United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, AUGUST 3, 1995 *No. 128*

House of Representatives

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

(Continued)

The CHAIRMAN. Are there additional amendments to title III.

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $58,186,000, of which $2,051,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $168,974,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, without regard to section 396(k)(3)(B)(iii), an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $240,000,000: *Provided,* That all funds appropriated herein shall be made available only if authorized: *Provided further,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further,* That for any fiscal year, the Secretary of the Treasury shall, notwithstanding section 396(k)(2)(B) of the Communications Act of 1934, make funds available to the Corporation for Public Broadcasting in accordance with the payment methods required under Office of Management and Budget Circular A–110 to minimize the time between the transfer of funds from the Federal Treasury and the outlay or expenditure of such funds by the Corporation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $31,896,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,467,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $450,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,397,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $123,233,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further,* That notwithstanding any other provisions of law, no part of this appropriation may be used by the National Labor Relations Board for the investigation or prosecution of alleged unfair labor practice charges under section 8 of the National Labor Relations Act, where such charges are based, in whole or in part, on an employer's taking any adverse action, including refusal to hire, discipline, or discharge, against an individual(s) who is an employee or agent or is otherwise working under the control and supervision of a labor organization, until such time as the United States Supreme Court has held that such individual(s) are or are not protected under section 8 of the National Labor Relations Act: *Provided further,* That no part of this appropriation may be used by the National Labor Relations Board to petition a United States district court for temporary relief or a restraining order as described under section 10(j) of the National Labor Relations Act unless there is a reasonable likelihood of success on the merits of the complaint that an unfair labor practice has occurred, there is a possibility of irreparable harm if such relief is not granted, a balancing of hardships favors injunctive relief, and harm to the public interest stemming from injunctive relief is tolerable in light of the benefits achieved by such relief: *Provided further,* That no part of this appropriation shall be available for the exercise of

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the National Labor Relations Board's authority under section 10(j) of the National Labor Relations Act (29 U.S.C. 160(j)) unless four-fifths of the Board's members have voted to exercise such authority, where five Board members are voting: *Provided further,* That no part of this appropriation shall be available for the exercise of the National Labor Relations Board's authority under section 10(j) of the National Labor Relations Act (29 U.S.C. 160(j)) unless before determining that an action for injunctive relief is warranted the Board allows a named party to an injunction an opportunity to review and respond to the General Counsel's memorandum of recommendations and to present oral evidence.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,000,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,200,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,753,834,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,275,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided,* That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997.

In addition to funding already available under this heading, and subject to the same terms and conditions, $407,000,000, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, $228,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board in administering the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $90,912,000, to be derived as authorized by section 15(h) of the Railroad Retirement Act and section 10(a) of the Railroad Unemployment Insurance Act, from the accounts referred to in those sections.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,100,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $6,500,000.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 25 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEKSTRA: Page 55, strike line 20 and all that follows through page 56, line 19 (relating to the Corporation for Public Broadcasting).

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Michigan [Mr. HOEKSTRA] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we take a look at the document next to me, there is something seriously wrong with this document. It is a check. Take a note of the date. This is a check that is going to be issued on August 3, 1995. It is for the amount of $240 million.

Mr. Chairman, we are not arguing about the amount, but if Members take a look at the memo line, it says ''For fiscal year 1998.'' That is the debate that we are having here on the floor today.

Mr. Chairman, This is not about the merits of the Corporation for Public Broadcasting. It is about the concept of

advanced funding for this program for 2 years. In other words, what this means is that the appropriations bill we are considering today will determine the funding level for the Corporation for Public Broadcasting, not for 1996 like every other program we are considering today, not for 1997, but for 1998, in the amount of $240 million.

This appropriation, this should be considered in 1997, not in August of 1995.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I find it ironic that this amendment is being offered at the same time, in the same week, that we are apparently going to be considering the ill-considered telecommunications bill. The Corporation for Public Broadcasting has already been cut to the tune of 18 percent in the fiscal 1997 appropriation.

Mr. Chairman, I certainly do not like all of the product that I see on public television, but I know I certainly do not like a whole lot more that I see on commercial television.

Mr. Chairman, my wife and I have two grown sons. Frankly, with some of the garbage and sex and violence that I see on commercial television these days, I am glad they grew up earlier than some of the children who are watching that stuff now.

We are going to be debating on the telecom bill whether we ought to use the V-chip to give parents the opportunity to decide for themselves whether garbage on television, whether public or commercial, will come into their own homes. We are about to enter the world of 500 channels and parents, I think, would like a little assurance that they are going to have some ability to decide what is going to happen, what kind of stuff is going to be entering their home, as someone said last night, whether they are out of the house or in the kitchen.

At the time that we are apparently going to turn down the V-chip, and unleash commercial television and live straight by commercial values, at the expense of family values, it seems ironic to me that at the same time we are going to scuttle what I think most objective people would say is a television product of considerably higher quality, in most instances, than we get on commercial television.

□ 1630

We get a lot of fine programming on commercial television, but certainly a lot of it is an awful lot of junk, and I like to know that we have public television to serve as sort of at least a competitor for conscience, to try at least in some way to have an alternative standard that you require commercial television to meet. And that is, I think, one role that public broadcasting plays. And it obviously is important, not just on television but on radio as well.

We have had this debate many times. We will have it many times more. It just seems to me that just the cost of, and again I will go back to that, just the cost of one B–2 bomber would pay the entire cost of our Federal contribution to public broadcasting for a good 5 years and maybe more, depending on what the cost of that baby is finally going to be.

So I would urge that we consign this amendment to the oblivion it so richly deserves.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I find little to disagree with the gentleman from Wisconsin, the ranking member on the Committee on Appropriations. I like public TV. I like what they do.

The question here is the same question we have been debating on many other issues this afternoon and over the last several months, is: What is the appropriate role of the Federal Government today?

For 20 years the Federal Government has been funding the Corporation for Public Broadcasting. I and others would like to see the Corporation for Public Broadcasting continue, but I would like to see it continue without Federal funds, and I think over the next 2 years we can help the Corporation for Public Broadcasting in that transition to private funding to do the great work that they have been doing.

The reason that I am here tonight to talk about this issue goes beyond that. We have kept our promises to the American people all year about the changes that we wanted to make in Government. We committed to the American people that it would not be business as usual. But what is usual and business as usual in this bill today that causes this amendment to come forward is that we are talking about fiscal year 1998 funding. All of this bill, the rest of this bill, talks about funding that begins in October 1995.

It does not call for funding in 1997. We are talking about 1998 funding.

There is no other program that I know of in the Federal Government that forward funds programs the way we have for the CPB for 20 consecutive years.

Even if you disagree and you want to continue to fund them, I do not know why we should make that commitment today to fund the Corporation for Public Broadcasting in 1998.

Let us support the Hoekstra amendment. Eliminate 1998 funding, and then let us continue to work at how we can move CPB in a transition to funding from the private sector.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I got up on this floor earlier today, and I talked about a painter in my district who had a paint stirring stick that he had been using for 5 years, and he saved about 5 cents a day, he figured out about $200, by wiping that thing off and reusing it. And he said to me, he said, ''Think about me and my trouble making ends meet and having to wipe this stick off all the time, every time you think about raising taxes or spending money.''

Here we are today, and we are being asked to spend money for the Corporation for Public Broadcasting in 1998. I cannot now look that man in the face and say, ''Yes, I think we spent your hard-earned money properly,'' when we forward funded the Corporation for Public Broadcasting into the year 1998.

I think the gentleman from Michigan [Mr. HOEKSTRA] has a very reasonable amendment. It will go a long way to helping us reach a balanced budget in the future, and it is responsible spending. I support the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee Chair.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think this is a very, very ill-advised amendment. It is an amendment that was offered in the subcommittee, failed on a large vote, failed in the full committee. I think it will fail in the House in the same way.

We have a process that we have been engaged in for some time now, working to ensure that CPB becomes an independently funded agency without a Federal subsidy and that in the meantime we preserve the essence of what public broadcasting is without commercializing it. We do not know how long it will take to move to that independent stream of revenue or streams of revenue. We are depending, of course, upon the authorizing committee to work through that legislation and to provide that guidance.

Very frankly, the authorizing committee has not had time yet because of the telecommunications bill to address this issue.

It is a forward funded program. It has always been a forward funded program. That is the authorizing law that we are working with.

We have moved through a series of downsizing, rescinding funds for fiscal years 1996 and 1997, to the tune of about $100 million, so we are definitely making cuts in the program. This will bring it down again to a yet lower level, and as part of the language of our bill, we have also taken $18 million of interest that they would otherwise have earned away from them. So we are downsizing it very substantially.

But to send a signal now that we are not going to support the Corporation for Public Broadcasting in terms of its future and work it over across into an independently funded agency it seems to me is a very, very bad signal to send, indeed.

This country values public broadcasting. It is an integral part of our culture that adds greatly, and I would urge the

Members to strongly oppose this amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I think a significant thing that we need to consider in this discussion is whether or not we are going to be censors, whether the Government is going to be censors of what goes on with public broadcasting, whether it is TV or radio or whatever.

For instance, if we happened to like what is going on in NPR and we happened to think it is a proper conservative type of viewpoint, we might be for it right now. Next Congress, we might change our mind, and we might say, ''No, it is too liberal or it is too conservative,'' and those folks might not like it.

So what we have is an opportunity. If we keep financing from the Federal Government, we have an opportunity of being judges all the time. We have no business being that.

We have fought problems with our economy. We have problems with other people watching this financing and what they say is, ''What are they going to do with that which can be funded from private enterprises?'' I think we owe it to those people we are cutting in other areas, to be just as fair with them as we are with the Corporation for Public Broadcasting.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, let us be clear about this. Rather than taking a big sledgehammer to the Corporation for Public Broadcasting, what the gentleman is trying to do with this amendment is chip away and chip away. This amendment is simply a continuation of the attack against public television.

The supporters of the amendment say that CPB does not deserve an advance appropriation. How can the Republican leadership expect CPB to move toward more independence from Federal funding without giving them the time to plan ahead? Either Congress wants to work cooperatively with the public television stations or not.

At least those Members who are very clear and say, ''Kill it, kill it,'' are being honest. Let us not go around the edges. Let us be clear about our motives.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I rise today in strong support of the Hoekstra amendment.

We do not need at this point in America's financial history, with the budget crisis we face, to embrace the creation of yet one more new semi-entitlement. There is a serious effort going forward today by Members of this Congress, the gentleman from Texas [Mr. FIELDS] and the gentleman from Wisconsin [Mr. KLUG], to work toward a plan to defund the Corporation for Public Broadcasting into the future, and they ought to be allowed to do that without a bias of having created an entitlement status for the Corporation for Public Broadcasting. It simply makes no sense.

In fiscal year 1995, to appropriate $240 million to fund the Corporation for Public Broadcasting not in 1996, not in 1997, but in fiscal year 1998, that, I would argue, is the creation of a subsidy that we do not need.

I urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, this is a very dangerous amendment, and it really ought to be defeated, and it ought to be defeated soundedly.

The Corporation for Public Broadcasting, public radio and television, has worked. It is the perfect example of a public-private partnership that has worked.

Why do we want to kill something that has worked? I am the father of three children. We are all fathers, mothers, grandmothers, and grandfathers here, and we know that children's television, ''Sesame Street,'' ''Mr. Rogers,'' works.

CPB funds serve as seed money for new programs and station support. For every Federal dollar that we give, they raise $5 and $6 of moneys. It is very, very important seed money. Federal seed money is crucial to public broadcasting.

Ending this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

There are many, many things we do here. Some make sense and some do not. This amendment certainly does not make sense. If anything, we ought to restore the $20 million and fully fund public broadcasting.

Defeat this ill-advised amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, this is not a question of money. It is really a question of policy, and this little fellow—pointing to baby picture—who is exploring right now, is an example of curiosity that is promoted by public broadcasting stations. It means the opportunity for our children to hear and to see and to learn. It means the opportunity to grow and to thrive for all children in our communities without access to cable or other sources of learning tools.

Do you realize that you do not need a big TV to look at a public broadcast station? You do not need a big TV in Houston TX, to look at channel 8, to view Sesame Street, to look at it and to learn to count numbers and count your ABC's. This is family viewing in the real sense of the term. PBS provides diverse political opinions, historical exposé, children's T.V., and straight-forward news programs.

Let us not make the wrong policy decision. Support public broadcast today! Oppose the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NADLER].

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, this is not a question of a budget here. We are talking about a total appropriation of less than 1/200th of 1 percent of the Federal budget, 1/200th of 1 percent. So it is not a question that we cannot afford the money.

What is a question here is an ideological determination that Government has no role in making sure that children have educational television to see, that alone among industrialized democratic countries in the world, we would not have any public noncorporate television, and this amendment ought to be defeated.

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Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, it is an outrage that Congress is being asked on the same day to kill public television, kill Big Bird, kill the Children's Network, and at the same time to deny parents a violence chip to protect their children against excessive violence and sexual content on commercial television.

There is only one place parents can turn today for good children's programming. That is public television. Commercial television is awash with the explicit sexual and violent programming that is troubling every parent with adolescent children in this country, and on the same day during the same debate, we would have a killing of the one thing that every parent relies upon every day, Big Bird and public television, in an effort to deny a violence chip for every television to keep out that which is disturbing every parent of every child in this country. It is a shame and it should be defeated.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, shame, shame, shame is exactly the appropriate way to describe this debate and how it has been characterized. This is not about a debate about the value of the Corporation for Public Broadcasting. This is about how the House will run its business.

We have funded the Corporation for Public Broadcasting for 1996. We have funded it for 1997. This is a debate about policy. In the long run, the chairman of the authorizing committee supports this amendment. He believes that during the next 2 years perhaps this Congress can decide on a long-term plan for how we will work and how we will fund the Corporation for Public Broadcasting.

Mr. Chairman, it is not tied up in the telecommunications bill. This program is not authorized through 1998. The Committee on Commerce will soon consider reauthorization.

It is ludicrous for this House to write a $240 million check for 1998 when it is very likely that a plan will soon emerge to make CPB a freestanding entity.

It is not about Big Bird. It is not about ''Sesame Street.'' It is about this Congress developing an approach that means that we will run it in a more businesslike manner, but we will have a greater respect for those dollars that our taxpayers send us.

Mr. Chairman, there is no need for advance funding. This stops the concept of advance funding. As one of the earlier speakers said, it has almost moved the CPB to its status of an entitlement program.

Now is the time to start funding this program in the appropriate way. Go through an authorization process, either in the rest of this year, 1995, or we have all of 1996 to consider, or we have all of 1997 to consider reauthorization.

Let us take that time. Let us do the program right. Let us spend $240 million in the right way. Let us not spend $240 million for a program that is not authorized and that needs to be reauthorized and that will be reconsidered. Let us go about establishing a process that gives the American people some degree of confidence that we are spending their money in a proper and an appropriate way and not in an ill-conceived and unwise way.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I just want to urge Members to oppose the Hoekstra amendment because CPB funding is crucial to bringing together the other necessary funding to complete major projects. Americans want it. It only costs us $1.09 per person.

Mr. Chairman, I rise to express my support for continued Federal funding for public broadcasting and my opposition to the Hoekstra amendment.

There are two primary reasons for forward-funding of CPB. The gentleman's amendment exemplifies one of those reasons, that is, to protect public broadcasting from immediate, politically motivated attacks on its funding.

In addition, broadcast productions, particularly in television, require some lead time to get going. Forward funding provides public broadcasters with advance planning capability which allows them to move forward in arranging for funding of productions. CPB funding is crucial to bringing together the other necessary funding to complete major projects.

PBS and NPR provide so much for so little: they cost each one of us only $1.09 per person. Americans overwhelmingly approve of Federal funding for public television and radio, with only 13 percent favoring a reduction or elimination. Although the Federal allocation is small, it is vital seed money that makes everything else possible.

I urge Members to oppose the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to say this is, in fact, what is really going to happen under the majority party budget. Whether there is any money in this bill or not for public broadcasting, this amendment makes clear that the intent is eventually to wipe it out. It simply does it at a sooner period of time. It takes the hypocrisy away.

It is a bad amendment substantively, but it does have the usefulness of demonstrating what the long-term plans really are.

Mr. MARTIN. Mr. Chairman, I rise today in opposition to the Hoekstra amendment that will eliminate all funding for the Corporation for Public Broadcasting [CPB] in fiscal year 1998.

In reviewing this week's ''TV Week,'' I would like to share with all of you the list of exceptional programming made available through the existence of the Public Broadcasting Service: children's educational programming such as ''Sesame Street'' and ''Kidsongs''; documentaries about science and nature, as well as sports programming; musical entertainment including ''Evening at Pops'' and ''Austin City Limits''; and the ever popular ''Masterpiece Theatre.''

This list of programming is but a taste of the wide range of positive PBS programming. Of course, during the week we are all too familiar with additional programming such as the ''MacNeil/Lehrer Newshour.''

I do not believe that any Member in this body can, in earnest, question the overall quality and educational benefit of the Corporation for Public Broadcasting. I supported the budget proposal to phase out funding for CPB and I support privatization; however, rash decisionmaking, which is what this amendment represents, will ruin our opportunity to preserve public broadcasting for generations to come.

We have taken the necessary steps toward the privatization of CPB, as well as toward a balanced budget. Let us not get so caught up in this whirlwind of fiscal constraint, so as to sacrifice those things that make this Nation great.

CPB is a clear benefit to society. Let's encourage an orderly transition to privatization and avoid this tragic and rash mistake. I urge a vote against this amendment.

Mr. CRANE. Mr. Chairman, my colleagues here in the House are aware of my opposition to the Corporation for Public Broadcasting. I believe that the Federal funding for CPB is unneeded, misguided, and detrimental to the overall health of the Nation and therefore I would prefer to see the CPB eliminated immediately. However, I recognize that other Members in this body feel differently.

Some believe that the CPB should continue to be funded. Others support a gradual phaseout. While I regret the fact that compromise on this issue is necessary, I believe the Hoekstra amendment takes a position on which all sides can agree.

As other speakers here have reminded us, the CPB funding in this bill is not for fiscal year 1995, it's not for fiscal year 1996, and it's not even for fiscal year 1997. We would be funding the CPB for fiscal year 1998, more than 2 years down the road. I cannot imagine any rationale for forward-funding CPB by 2 full years that would not apply to virtually every other Government program. Much to my disappointment, the Hoekstra amendment will not eliminate the CPB. It will simply say that CPB should be on the same year-to-year funding cycle as every other discretionary program. The Hoekstra amendment will simply allow the Congress to address this issue in 1997.

My colleagues should keep in mind the fact that the CPB has not yet been authorized for fiscal year 1998, making it even more important that Congress have the opportunity to address the funding question at some later date. The chairman of the authorizing subcommittee, Mr. FIELDS of Texas, has announced that he intends to dramatically reshape the program, making it less dependent on the Federal subsidy. If we appropriate $240 million in fiscal year 1998 dollars, we will have blatantly usurped the authority of Mr. FIELDS and others on his subcommittee. Since funding for the next 2 years is already in place, Congress should feel no need to rush through an unauthorized appropriation. In 1997, once an authorization has been debated and approved, Congress would be free to appropriate as it saw fit.

I believe that Congress should delay making a decision about CPB funding until the uncertainties about the program having been resolved. I hope all Members, whether they believe in immediate elimination, whether they support a gradual phaseout, or whether they would like the program to continue unchanged, would recognize that delaying a decision about CPB is a positive step toward responsible budgeting. Again, this is not the amendment I would like to see but I believe it is an amendment that all Members should support. Vote ''yes'' on the Hoekstra amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] will be postponed.

The CHAIRMAN. Are there further amendments to title IV?

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I originally had an amendment which would restore the $20 million to public broadcasting that was allocated for fiscal year 1996 from 240 to 260. I will not offer that amendment because frankly I think this bill is so terrible and so bad that nothing can improve it and nothing can make it better.

Mr. Chairman, I do want to use the opportunity to talk about public broadcasting and what it means and why it is so important that not only do we not cut it, but that we absolutely have to continue to fund it at current levels and even increase funding.

I know that many of my colleagues are debating a communications bill and we are very concerned about violence on TV. We talk about the V-chip

and we are very concerned about what our children see.

I appreciate public radio and television. I know that my children have grown up on public television, and I know when I put on a public television station they will be seeing wholesome, good learning entertainment. I do not have to worry about violence. I do not have to worry about a million commercials. I do not have to worry about anything that is negative. I know that it is all going to be positive.

There is so much in Government that does not work. There is so much in private industry that does not work. We have an example here on a public-private partnership that works and works well, and yet this is what we are penalizing.

It makes no sense to me whatsoever, unless there is some ideological bend that some people feel that they do not like public broadcasting for whatever reasons.

Public broadcasting has a very good mix. William Buckley's Firing Line is on public broadcasting. No one can say that is a liberal elitist program. There is a good mix. People appreciate it. My constituents appreciate it. For every dollar we give them, they raise $5 or $6, and our dollars are important seed money to continue public broadcasting.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to thank the gentleman for yielding me time, and if I could join in and associate myself with his remarks and point out the fact that I think what many Americans, and certainly many Americans families, find comfortable about public broadcasting is that it is directed at trying to achieve the best with our children, and it places a value on our children. It places a value on our children learning. It places a value on the media that we offer to our children. It is for that reason that millions of American parents are comfortable with their children watching public broadcasting and children's TV in the morning and in the afternoon.

They are comfortable with their children using this to amend what they are doing in early childhood education, in their elementary education, to learn critical thinking, to learn mathematics, to learn language skills, and to learn about other cultures. Parents make this decision every day, to turn on that TV and to offer this programming to their children.

Parents also recognize, as the gentleman from New York pointed out, that this is not TV that is driven by commercials. This is not TV, as the gentleman from New York pointed out, that is driven by the best interests of the cereal companies or the movie companies or the candy companies or the toy companies. This is about TV. It recognizes excellence and it recognizes the excellence of our children, of each of our own children, and about recognizing that our children are capable of so much, that they can acquire so much knowledge, they can acquire so many functions if properly told about them and schooled in them, and public TV is providing that service.

Mr. Chairman, that is why people rail against amendments. It is not an issue of forward funding or not forward funding. It is an issue of crippling a success story that is embraced by millions of American families who are looking out for the very, very best in their children, and in many instances those families do not have a lot more to offer.

There is an awful lot of things going on in some of those families that cause great stress and great strife and people are home alone, but where do they go when they want comfort? Where do they go where they trust with their children? They go to children's TV on public broadcasting.

Mr. Chairman, we cannot leave these children to the will of the toy companies and the cereal companies. What those boards of directors decide to purchase has nothing to do with the interest of our children.

The CHAIRMAN. The time of the gentleman from New York [Mr. ENGEL] has expired.

(At the request of Mr. MILLER of California and by unanimous consent, Mr. ENGEL was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield further, what they do is see how many children they can acquire in one-half hour's time, that those cereal companies can acquire; they will acquire violence. If it is something else that brings children's attention, they will do that.

Mr. Chairman, that is not what we want. That is not the standard that we have come to know in America's families. I want to thank the gentleman from New York for taking this additional time to raise these points about the relationship between America's families and public TV.

Mr. ENGEL. Mr. Chairman, I want to thank the gentleman from California [Mr. MILLER] and I want to say, we talk about family values in this country and in this Congress. I can think of no greater family values than the ones we see on public television.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to the elimination of funding for public broadcasting. The day may come when we do not need public broadcasting, but we are hardly at that point now. I fear that the Corporation for Public Broadcasting's opponents have let their dreams of a high-tech world obscure today's reality.

Today, a sizable portion of the American public does not have access to cable, and even if it did, has the private sector provided the kind of programming of which this Nation can be proud? I don't think so.

Mr. Chairman, you need not take my word for it. Look at what even the people who oppose public broadcasting are saying about commercial television, about all the violence on television.

Mr. ENGEL. Reclaiming my time, because I think the gentleman makes a very important point that 40 million Americans do not have access to cable TV, and so public television is really the only chance they get to see these kinds of educational programs.

Mr. BOEHLERT. That is a very important point. I would agree.

Mr. ENGEL. Mr. Chairman, I yield to the gentleman from New York.

Mr. BOEHLERT. Maybe at some future date the private sector will create a ''Sesame Street'' or a Barney or an ''All Things Considered'' or a ''MacNeil/Lehrer Report.'' It is just a little hard to depend on because it has never actually happened.

The American public supports public broadcasting because it provides a valuable service, a service that promotes good values, a service that would not otherwise be available. Let us ensure that that service continues.

Mr. ENGEL. Mr. Chairman, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition of the Hoekstra amendment.

Public broadcasting is an important source of education and cultural programming for adults and children in my district and across the Nation.

Public television provides viewers with the kind of high-quality programming that cannot be found on commercial stations, and it is often the only source of educational programming available to the many households that do not subscribe to cable television.

As a mother of four, I remember how difficult it was to find entertaining and educational programs for my children. Like many parents who do not want their children watching the increasingly violent and adult-oriented programs found on commercial television, I relied on PBS.

Public Television also provides Adults with informative programs such as ''Frontline''; ''Nova''; ''the MacNeil-Lehrer Newshour''; and, national public radio keeps millions of Americans informed about issues affecting their lives every day.

For the price of $1 per person, the Corporation for Public Broadcasting ensures that every American household, rich or poor, urban or rural, has access to a wide range of educational and cultural programming.

Mr. Chairman, this is a small price to pay for the valuable services provided by PBS stations throughout the Nation.

I urge my colleagues to oppose the Hoekstra amendment, and support the Corporation for Public Broadcasting.

□ 1700

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a move here in Congress to eliminate political advocacy on the part of nonprofit businesses and nonprofit groups. My argument, Mr. Chairman, is based on the fact that Federal funds should not be used for political advocacy. We all agree with that. But I strongly oppose any effort to keep people who are political advocates and who are receiving funds, private funds of their own, not to be able to speak out. It gives more favorable treatment to some, as I have heard, American businesses, than to others. We all know that many corporations get Federal funds through various programs that the bill, in itself, coming through this House calls grants. Under this bill they are prohibited from using more than 5 percent of their own funds for political activity. But other corporations get Federal funds by selling to the Federal Government. The bill does not apply to them. This is patently unfair, Mr. Chairman.

Recently I got a letter from a constituent who owns a farm, and it is an incorporated farm, and it is in Florida. His letter said to me that his company employs 175 people to grow crops. He urged me to support a particular bill here in the Congress. Now he is engaged in political advocacy, but he is using his own funds, but, if these bills that are going through the Congress now, and these amendments, if they pass, this farmer would not be able to use his own private funds for political advocacy.

The sponsors of these amendments in this bill concede that under the bill one-half of any crop insurance payments a farmer gets is considered a grant. So under this bill, Mr. Chairman, a farmer in my district could be barred from receiving crop insurance during the next 5 years because of his political advocacy and writing to me, his elected Congressperson. Even if he should get to Congress the crop insurance, he will have to file a lot of cumbersome reports on how much money he spends on political advocacy. I really ask each one of my colleagues to read the Dear Colleague letters that are coming to them regarding this political advocacy bill.

On the other hand, a Federal contractor, one of the country's biggest corporations, can use his own funds to run large newspaper advertisements urging Congress to fund certain military projects, and I support many of these projects, but I am concerned because of this kind of political advocacy one group of military industry can use their own private funds, but they also receive public funds, and this farmer from my district could not.

I think the playing field should be level, Mr. Chairman, for political advocacy. It makes a big defense company or a big industry, it should make them play by the same rules as little companies like this little farmer from Homestead, FL.

I urge my colleagues to look very closely at this Dear Colleague letter that is going around asking them to support an amendment and a bill that would take away political advocacy from people who use their own private funds. It is a dangerous amendment. Watch it, and, when it comes, please defeat it.

The CHAIRMAN. Are there additional amendments to title IV?

If not, the clerk will designate title V.

The text of title V is as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Effective October 1, 1993, and applicable thereafter, and notwithstanding any other law, each State is and remains free not to fund abortions to the extent that the State in its sole discretion deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 510. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 511. None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and 42 U.S.C. 289g(b).

For purposes of this section, the phrase ''human embryo or embryos'' shall include any organism, not protected as a human subject under 45 CFR 46 as of the date of enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

SEC. 512. None of the funds made available in this Act may be used to carry out any Federal program, or to provide financial assistance to any State, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such Federal program or State subject any health care entity to discrimination on the basis that—

(A) the entity refuses to undergo training in the performance of induced abortions, to provide such training, to perform such abortions, or to provide referrals for such abortions;

(B) the entity refuses to make arrangements for any of the activities specified in subparagraph (A); or

(C) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) require or provide training in the performance of induced abortions, or make arrangements for the provision of such training; or

(2) in granting a legal status to a health care entity (including a license or certificate), or in providing to the entity financial assistance, a service, or another benefit, such Federal program or State require that the entity be an accredited postgraduate physician training program, or that the entity have completed or be attending such a program, if the applicable standards for accreditation of the program include the standard that the program must require or provide training in the performance of induced abortions, or make arrangements for the provision of such training.

SEC. 513. (a) CONGRESSIONAL FINDINGS REGARDING APPROPRIATE MINIMUM LENGTH OF STAY FOR ROUTINE DELIVERIES.—The Congress finds that—

(1) the Guidelines for Perinatal Care of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists recommend, when no complications are present, a postpartum hospital stay of 48 hours for vaginal delivery and 96 hours for caesarean birth, excluding the day of delivery;

(2) the American College of Obstetricians and Gynecologists reports that it has become common for insurers to limit length of stay to up to 24 hours following vaginal delivery and up to 72 hours following caesarean delivery, and the American College of Obstetricians and Gynecologists has received reports of insurers proposing limits of 12 hours, and in some cases 6 hours, for routine deliveries;

(3) the American Medical Association recently expressed concern about the trend toward increasingly brief perinatal hospital stays as routine practice in the absence of adequate data to demonstrate the practice is safe;

(4) the American College of Obstetricians and Gynecologists has stated that the trend toward earlier discharge is ''equivalent to a large, uncontrolled, uninformed experiment that may potentially affect the health of American women and their babies'';

(5) a recent study by Dartmouth-Hitchcock Medical Center found that within an infant's first two weeks of life there is a 50 percent increased risk of readmission and 70 percent increased risk of emergency room visits if the infant is discharged at less than two days of age;

(6) studies have shown that early release of infants can result in jaundice, feeding problems, respiratory difficulties, and infections of the cord, ears, and eyes;

(7) the American Medical Association has urged hospitals and insurance companies, in the absence of empirical data, to allow the perinatal discharge of mothers and infants to be determined by the clinical judgment of attending physicians not by economic considerations; and

(8) the American Medical Association recommends that the decision regarding perinatal discharge should be made based on the criteria of medical stability, delivery of adequate predischarge education, need for neonatal screening, and determination that adequate feeding is occurring and with consideration of the mother's social and emotional needs and preferences.

(b) SENSE OF THE CONGRESS.—It is, therefore, the sense of Congress that—

(1) the Maternal and Child Health Bureau should promptly collaborate with other concerned national organizations to encourage well-designed studies, separating economic concerns from concerns about the health and well-being of mothers and children, to identify safe neonatal practices with regard to the hospital discharge of mothers and infants and establish appropriate medical care procedures during the perinatal period;

(2) decisions on how long mothers and newborns should stay in the hospital after delivery and before discharge should be made by doctors and patients together based on the medical and health care needs of the mother and newborn and not by hospitals, health insurers, health services organizations, and health benefit plans based primarily on economic considerations; and

(3) until further empirical data are collected so as to indicate a need for change in current Guidelines, hospitals, health insurers, health services organizations, and health benefit plans should abide by the current Guidelines for Perinatal Care of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, that state that the general time for discharge for mother and baby should be at least 48 hours following uncomplicated vaginal delivery and at least 96 hours following uncomplicated caesarian birth and that permit early discharge if specified criteria are met.

AMENDMENT OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The Chair will now put the question on the amendment in title IV on which further proceedings were postponed.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 286, not voting 12, as follows:

[Roll No. 618]

AYES—136

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burton
Callahan
Canady
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
Everett
Ewing
Fields (TX)
Funderburk
Ganske
Gillmor
Goodlatte
Goss
Graham
Gutknecht
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Largent
Latham
Laughlin
Lewis (KY)
Linder
Livingston
LoBiondo
Manzullo
McCrery
McIntosh
McKeon
Metcalf
Miller (FL)
Molinari
Myers
Myrick
Neumann
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Quillen
Radanovich
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Thornberry
Tiahrt
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

NOES—286

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Buyer
Calvert
Camp
Cardin
Castle
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Crapo
Cubin
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts

Roemer	Skelton	Upton
Rogers	Slaughter	Velazquez
Ros-Lehtinen	Smith (TX)	Vento
Rose	Spratt	Visclosky
Roukema	Stark	Vucanovich
Roybal-Allard	Stokes	Waldholtz
Rush	Studds	Walsh
Sabo	Stupak	Ward
Sanders	Tanner	Waters
Sawyer	Tauzin	Waxman
Schaefer	Taylor (MS)	Weldon (PA)
Schiff	Taylor (NC)	Wilson
Schroeder	Tejeda	Wise
Schumer	Thomas	Wolf
Scott	Thompson	Woolsey
Serrano	Thornton	Wyden
Shaw	Torkildsen	Wynn
Shays	Torres	Yates
Sisisky	Torricelli	Young (FL)
Skaggs	Traficant	
Skeen	Tucker	

NOT VOTING—12

Ackerman	Moakley	Volkmer
Andrews	Reynolds	Watt (NC)
Bateman	Thurman	Williams
Filner	Towns	Young (AK)

Messrs. CRAPO, FLANAGAN, and PORTMAN changed their vote from ''aye'' to ''no.''

Messrs. TIAHRT, HOBSON, COX of California, and GOODLATTE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there amendments to title V?

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment, numbered 28.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: Page 69, strike lines 12 through 17 and insert the following:

SEC. 509. Notwithstanding any other provision of title XIX of the Social Security Act, for quarters beginning on or after October 1, 1993, the Federal medical assistance percentage applicable under such title with respect to medical assistance which consists of abortions furnished where the pregnancy is the result of an act of rape or incest shall be 100 percent.

POINT OF ORDER

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Arizona wish to heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would like to be heard on the point of order. I am prepared to concede the point of order because clearly, under the Rules of the House, this does violate the provision about adding legislative language in an appropriation bill. I ask that the amendment be read and called up and this matter be brought up simply to make the point, as we will on the next amendment, that clearly the language that we are going to be dealing with also was language on an appropriation bill and had it not been protected by the Rules Committee would also have been stricken.

So, Mr. Chairman, I would concede the point of order that this amendment is not in order and would hope that we would be able to have a debate on something that is less than perfect, in my opinion, but will nonetheless serve the purposes of this debate.

The CHAIRMAN. The gentleman from Arizona concedes the point of order. The point of order is sustained.

□ 1730

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: On Page 69, strike lines 12–17.

The CHAIRMAN. Under the order of August 2, 1995, the gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Prior to the beginning of the debate on this amendment, the Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1732

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized in favor of his amendment. Does any Member rise in opposition to the amendment?

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] will be recognized for 20 minutes in opposition to the amendment.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of my time to the gentlewoman from New York [Mrs. LOWEY], and that she be permitted to yield time from that 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of this motion to strike the language which is section 509 in the Labor-HHS-Education bill which allows States to deny Medical funding for abortions for rape and incest. This was language that was added during the full committee consideration of the bill, and it was tagged as a States rights issue.

I had an amendment that was not made in order which would have reinstated the current requirement that makes medicaid abortions available in circumstances involving life of the mother, rape, or incest, but relieves the States of any financial participation in cases of rape or incest if they choose not to fund them.

Mr. Chairman, as I said, last year there were all of two Medicaid-funded abortions in the entire country in cases of rape or incest. The amendment that I offered in the committee I think was a fair compromise for Members who do support States rights, but who recognize that poor women who are pregnant as a result of a heinous crime like rape or incest should not be discriminated against in the process.

Unfortunately, as we have just heard, with it being stricken here, Members of this body will not have the chance to vote on what was to have been the Kolbe-Pryce-Fowler amendment. Therefore, I am cosponsoring with the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Maryland [Mrs. MORELLA], this motion, so we can return to the original Hyde language. And I want to make that clear. We are talking about going back to the Hyde language, which requires States to fund abortion under Medicaid in the cases of life of the mother, rape, and incest.

Mr. Chairman, the 103d Congress passed the Hyde amendment by a large margin, 256 to 171. A majority of the Congress, many of whom are pro-life, agreed that these three exceptions are reasonable and clearly not abortion on demand as now argued by some on the other side. So unless this amendment to strike passes, we will be taking a giant step backward away from the Hyde language.

It is a sad day to see this body divided over an issue as important as providing a legal abortion for a poor woman who is a victim of rape or incest. If any of us in this body had a daughter or sister who became pregnant as a result of one of these heinous crimes, they would certainly want to have the option of being able to seek an abortion. But that would not occur for poor people in our country, at least not if our amendment fails.

Mr. Chairman, I urge our colleagues to vote ''yes'' on the Kolbe-Lowey-Morella motion to strike.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to the amendment. Twice this year, Mr.

Chairman, the Committee on Appropriations has seen fit to include the language which is currently in the bill which the gentleman from Arizona seeks to strike.

Mr. Chairman, this is not about access to abortion. This is about under what circumstances will the taxpayers of the United States and of the individual States be compelled to pay for individual's abortions.

Under the language previously of this Congress, until the Clinton administration, States had the option, but were not compelled, to provide public funding for rape and incest abortions. However, a directive issued by the Clinton administration in December 1993 told the States that they must ignore their own laws and must provide State funds for those abortions.

Mr. Chairman, this directive of the Clinton administration over turned the laws of 36 States. I rise in support of 36 of the United States of America, Mr. Chairman, who have seen fit to have a standard different than what the gentleman from Arizona seeks to impose.

The language that is currently in the bill makes it clear that the ability of States to combine state money with Federal money to pay for abortions in case of rape and incest is an option. They may choose to exercise it, but they are not compelled to do it. The gentleman from Arizona would wish to have the states compelled, as the Clinton administration desires.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to sponsor this amendment with my colleagues, the gentleman from Arizona [Mr. KOLBE] and the gentlewoman from Maryland [Mrs. MORELLA]. This amendment strikes the language in the bill that would allow States to eliminate funding of abortions in the case of rape and incest. This provision callously victimizes victims, it is draconian, it is extreme, it is cruel, and it is unfair.

As the bill is now written, States are given the green light to eliminate Medicaid funding of abortions for the most vulnerable Members of our society, impoverished victims of rape and incest. This bill subjects women who have been raped or subjected to incest to further indignity. This bill sends rape victims a very clear message: You must have your rapist's baby. It tells victims of incest, you must have your father's child. Mr. ISTOOK'S own State of Oklahoma sent that message last year to a 20 year old poverty stricken woman impregnated by her own father. This woman could not obtain an abortion because Oklahoma refused to comply with Federal law.

Make no mistakes, my colleague: If this amendment is adopted, States like Oklahoma will stop providing abortion coverage for victims of rape and incest. In fact, we can be fairly certain that 27 States will stop providing this coverage.

Let us be very clear however: This provision has nothing to do with States rights. The Medicaid statute does not give States the right to pick and choose which procedures they will cover and which they will not. A State's participation in Medicaid is voluntary. However, once the State chooses to participate, it must comply with Federal statutory and regulatory requirements. States rights, Mr. Chairman, is just a smoke screen designed to hide the fact that this amendment would deny poor victims of rape and incest the means to exercise their reproductive rights.

Mr. Chairman, this provision is not merely a clarification of the Hyde amendment. Since the 1993 statute change, three Federal appellate courts and Federal district courts in 11 States have rejected challenges by States that did not want to comply with the rape and incest language. There is not a single case, Mr. Chairman, in which a court has sided with States that did not want to comply.

The law is very clear: States must fund Medicaid abortions in the case of rape, incest, and life of the pregnant woman. So we are clear, this is not just the way the Clinton administration has interpreted the law, it is the law as it has been interpreted by the courts. In fact, Supreme Court Justice Scalia, an abortion opponent, refused to stay an order to a State to pay for abortion services for victims of rape and incest. The reason for his refusal was that the law is clear, States are obligated to pay. The provision added by the full committee does not clarify existing law; it changes it.

Mr. Chairman, in conclusion, let us not be fooled. This provision is about denying poor victims of rape and incest the right to have an abortion. It is extreme, it is out of the mainstream. It is very clear that Americans do not believe that victims of rape and incest should be forced to carry their pregnancies to term.

I know my colleagues, regardless of your views on choice, many of my colleagues would support this amendment. Let us not victimize the victims again. Please support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Lowey-Morella-Kolbe amendment to strike the language that would make Medicaid coverage of abortions for poor women who are the victims of rape or incest a state option.

The Hyde amendment supported women who are victims of rape and incest. Rape and incest are not about abortion. They are about violence. They are about brutality. They leave life-long scars—fear, anger, inability to love and trust.

In the Crime Bill, Republicans sponsored and protected funds and programming to prevent and punish violence against women. How can we now lay aside compassion?

Think. Rape is someone grabbing you, assaulting you, overwhelming you with fear for your life and then violating you in the most deeply personal and destructive way. Please, leave to the victim the decision as to whether to carry or not to carry any possible product of such violent, vicious and terrible act as that of rape.

Trust America's women. They will choose wisely and in harmony with their consciences. What more could we ask in a society that prizes personal freedom and responsibility?

The American people are not divided on this issue. They agree that women who are victims of rape and incest should have choice. That is all, choice. I am proud to represent the voice of victimized women, in their search for their rights, your respect, and the compassion of a society unable to defend them.

Please support the Lowey-Morella-Kolbe amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, as the lady from New York noted, 11 States have already taken the administration to court because their laws are being threatened. In addition, the Clinton administration has sent notices threatening to cut off funds to another seven States. This decision properly should be made by the States, not by Washington.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the underlying Istook language that was approved by the full Committee on Appropriations and in opposition to the Kolbe strike. The current language, which this amendment would delete, is a noble attempt to protect the powers of the States and the rights of taxpayers who do not wish to pay for abortions.

The current language also protects the constitutional prerogative of Congress as the only branch of the Federal Government with the authority to make laws. It does this by repealing the Clinton administration's strained and unfaithful interpretation of the Hyde amendment. The Istook language guarantees that in cases where the demand for an abortion rises from rape or incest, States may resolve this very difficult dilemma in the manner most consistent with values of their own citizens expressed through their State representatives. The amendment before us would strike the Istook language. It would thereby save the Clinton rules and force all States to fund abortion in these situations.

Supporters of the Kolbe strike claim that they are preserving the Hyde amendment. In fact, the Clinton rules

which they are seeking to reinforce effectively undermine the Hyde amendment.

□ 1745

The Kolbe amendments, under the pretext of preserving it, would defeat it. On the Hyde amendment language, let me remind Members when it was offered by the distinguished gentleman from Illinois, was permissive, not mandatory. It allows States, it allows them, does not force them to add Medicaid funds for abortions resulting from rape or incest, but it respects the State law when that State law is more protective of those children in that very difficult situation. It took the Clinton administration to urge that the Kolbe strike amendment be defeated.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the Kolbe-Lowey amendment. In response to the gentleman from Oklahoma [Mr. ISTOOK], the reason the 11 States lose is that the Federal law is very clear that States do not have an option.

I strongly support this amendment; the right to choose is meaningless without the means to choose. Without Medicaid funding, a poor woman who has been the victim of a crime will not be able to obtain a legal abortion. She will be forced to spend 9 months reliving the crime. I cannot believe that anyone in this room would want to compel a woman to carry a child that is conceived as the result of rape or incest. Support the Lowey–Kolbe amendment.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise today to oppose the Kolbe amendment, and I am in strong support of the Istook language in this bill.

Notwithstanding the rhetoric of the other side, this is really an issue of States rights. Do the States have the right to enforce their own laws or not?

It has been a central goal of this reform-minded 104th Congress to return power to the States. A good argument can be made that the 10th amendment to the Constitution has enjoyed something of a rebirth in this Congress. However, the Clinton administration continues to buck this trend because they believe Washington, DC should impose its will on all 50 States.

In 1993, the Clinton administration directly contradicted the intent of the Hyde amendment when they forced States to fund abortions in the circumstances of rape and incest—even though it was expressly against State law to do so. States had no choice but to comply with the Clinton directive because the Federal Department of Health and Human Services threatened to cut off Medicaid funding altogether.

By requiring States to spend Medicaid dollars on these abortions, Clinton invalidated laws in almost three-fourths of the States—including his own State of Arkansas. In fact, the States of Nebraska, North Dakota and Arkansas were forced by the courts to pay for abortion on demand—regardless of the circumstances—for all women who qualified for Medicaid dollars.

Mr. Chairman, what the Istook language does is simply return decision-making power to the States where it should be. States across America do not need the Federal Government imposing its will upon them. I ask for a no vote.

Mr. KOLBE. Mr. Chairman, may I inquire of the Chair the time remaining on all sides?

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 7 minutes remaining, and the gentleman from Oklahoma [Mr. ISTOOK] has 15 minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 5¼ minutes remaining.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 90 seconds to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

In Arkansas, my home State, we have an unborn child amendment that was adopted by a vote of the people of Arkansas. It is in our State constitution. It prohibits the spending of public money for any abortion unless the procedure is needed to save a woman's life, a decision by the voters of the people of Arkansas. Regardless of how you feel about that decision, it was the people's decision.

The issue in the debate this evening is not abortion, it is not abortion funding, it is not rape and incest, and everybody would like to cloud the issue. The issue is, do the people of a sovereign State in this country have the right to rule and to pass their own laws and to make their own constitution? For over a year and a half now my State has been in litigation over this. The effect of that litigation is that the courts have taken the ruling of bureaucrats in Washington in HCFA, and they have allowed those regulations passed by HCFA to overrule the constitution of the State of Arkansas, an amendment adopted by the people of Arkansas.

What we are doing in the Istook amendment is absolutely in accord with the whole sentiment of this Congress. We have said the States ought to have more authority in welfare. We have said the States ought to have more authority in crime. We have said the States ought to have more authority and control in the area of education.

Why in the world would we reverse that and say in this particular area that we in Washington have more moral authority than the people of my home State? Why should we say that we have a right to overrule what they, not by a poll, not by the State legislature but by a vote of the people.

I urge Members to support the Istook amendment and to defeat the Kolbe motion to strike.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], cosponsor of this amendment.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, please, my colleagues, do not be confused and misled. We are simply following the Hyde amendment as passed in 1993 to require States to provide Medicaid abortion coverage in cases of rape or incest.

What we do is strike the bill language that would allow States to prohibit rape and incest coverage. Since Hyde added rape and incest in 1993, I want to point out three Federal appellate courts and Federal district courts in 13 States have agreed that States participating in Medicaid must comply with the Hyde amendment and provide rape and incest coverage. That is, each and every Federal court that has considered the issue has said that, no diversions.

State participation in Medicaid is voluntary, but once the State participates in Medicaid, they must follow the Federal Medicaid requirements.

Abortions as a result of rape and incest are rare. As was mentioned, they represent a very small percentage of abortion. In 1994, Federal funding covered only two abortions. These circumstances are very tragic and rare. But they are the result of violent, brutal crimes against women.

The Istook language in the bill is extreme, and the States rights planning is a facade; make no mistake about it. This amendment could result in at least 27 States refusing to pay for abortion for rape and incest victims. We cannot all call for an end to violence against women in one breath and then in the next breath vote to prevent victims of rape and incest, brutally violent crimes, to lose their rights to end such pregnancies.

I urge my colleagues, my friends, to vote for the Kolbe-Lowey-Morella amendment.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I rise in favor of the Kolbe-Lowey amendment and for the fact that States do not own women.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Lowey-Kolbe amendment to strike section 509 of this bill. I

had drafted my own amendment to strike this section, but given the leadership that Representatives LOWEY and KOLBE have shown on this issue, I will not offer my own amendment and I will support their efforts.

It has been my understanding, since I was afforded the opportunity to join this August body, that authorizing language is attached to authorizing bills, and funding decisions are made in appropriations bills. Since section 509 is certainly authorizing language, and H.R. 2127 is an appropriations bill, I question the constitutionality of this section.

But more importantly, Mr. Chairman, I am disgusted by the intent of this language. It is sickening that those persons who do not believe in a women's right to choose are using every legislative vehicle possible to chip away at the Supreme Courts' ruling in Roe versus Wade. They are using every opportunity, from denying Federal employees access to abortions, to this pathetic attempt to deny abortion services to women who are victims of rape or incest.

This is not about transferring decisionmaking authority to the States. This is not about less Federal intervention. This is about finding ways to end the legal practice of abortion. This is about making it more difficult and more complicated for women to access any abortion services.

It is outrageous that we will allow States to not provide abortions to women who have been raped! What if these women cannot pay for their own abortions? Should they be forced to bear the child of a rapist? This is a dangerous, sinister attempt to erode the civil liberties of women. Do not stand for it! Support the Lowey-Kolbe amendment!

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all visitors in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Chairman, I rise in support of the Lowey amendment. Rape is a crime. Let us not punish the victims of the crime.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Kolbe-Lowey-Morella amendment, which deletes the provision in the bill permitting States to decide whether to use Medicaid funds to pay for abortions in the case of rape or incest.

This language in the bill is discriminatory and unfair. If the availability of abortion services under Medicaid is not uniform across State lines, we are clearly discriminating against poor victims of rape and incest who do not have the means to travel to obtain these services.

This language blames the victims of violent, horrible, unthinkable crime. How dare we give the States the option to decide whether victims of rape and incest should be responsible for the consequences of crimes perpetrated against them.

This language is not at all about States' rights, as some of our colleagues would have us believe. States have the choice whether or not to participate in the Medicaid program—they do not and should not have a right to pick and choose which procedures they will cover.

The Kolbe-Lowey-Morella amendment would delete this language and continue current policy, which is fair and correct in mandating that Medicaid funds pay for abortions in the case of rape, incest, or life endangerment of the mother.

This is not an issue of States rights, it is about individual rights, and it is an issue of fairness. I urge my colleagues to protect the rights of vulnerable victims and support the Kolbe-Lowey-Morella amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, let me be just perhaps a calming voice on this. I heard my good colleague the gentlewoman from Maryland [Mrs. MORELLA], talk about the Hyde amendment in 1993. Most of us voted for the Hyde amendment and we did that because we did not have the majority at that time and we felt the Hyde amendment was something that was better than what the loyal opposition would offer. So we voted on that with the understanding that if we ever had the opportunity we would try and develop a provision that would permit the States to decide whether to use Medicaid funds to pay for abortion in the case of rape or incest.

So I am really trying to say to my colleagues that it is not a question of the Hyde amendment being the law of the land and perhaps we should continue that. What we all believe is that we should move it back to the States and let the States decide, because in each State's particular circumstances, they will have a better understanding of how to prohibit abortions, how to help women. And certainly it is nothing to do with brutal crimes against women. It is all talking about a procedural context, and we should remember that. And in the end, I want Members to support the Istook language.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, the other side would have us believe this is really a debate about the fairness of who can get the abortions and under what circumstances. I do not think it is appropriate to even get into that.

The fact of the matter is, the Hyde amendment, the existing law, allowed States to use their money to provide abortions in the case of rape or incest. It did not require it. But our liberals here want to require it, because they believe in the result.

We are a Federal system of laws with 50 sovereign States. This amendment, resisting this amendment will preserve what the existing law is. Supporting the gentleman from Oklahoma [Mr. ISTOOK] will in fact recognize the sovereignty of the States. Those States' citizens, many of them have determined under what conditions their tax money is to be used to provide abortions. It is not right that we should sit here in Washington with a command and control directive from the top telling them what they should do.

This amendment of Mr. ISTOOK makes clear that States can fund these programs according to their laws. That is the position that we as a body should uphold.

I would ask for Members support for the gentleman from Oklahoma, [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FORBES].

(Mr. FORBES asked and was given permission to revise and extend his remarks.)

Mr. FORBES. Mr. Chairman, I rise in strong support of the Istook language and for the preciousness of all life.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I think it is pretty unfortunate that we have to come down to the well on this issue. I think if we just took abortions out of this debate, we would have an automatic unanimous vote against this amendment.

□ 1800

Mr. DELAY. Mr. Chairman, I think it is pretty unfortunate that we have to come down to the well on this issue, because this is a States' rights issue. The Clinton administration decided upon its own initiative that it would impose the will of the Federal Government on States. That is what this is all about.

This is a States' rights provision that, frankly, I think corrects an injustice and reaffirms the principle that States should decide whether or not or how they spend their funds.

The gentleman just before me said, and I want to reemphasize this, the Hyde amendment did not impose paying Medicaid funds for rape and incest. What it said was those States that use Medicaid funds for rape and incest can continue to do so.

Mr. Chairman, it is amazing to me that some of the Members have come down here and said, We are going to make them pay, whether they like it or not. They ought to be making those same speeches in the legislative bodies of the States.

If my colleagues do not like the position that the States have taken on rape and incest and how Medicaid funds would be used to pay for abortions for rape and incest, then go change the laws of the States.

But to have the Federal Government support the Clinton administration's total philosophy that ''big brother'' Washington, DC knows more what is good for you than you do is total repudiation of the last election.

If there was one message coming from the last election, it is that the American people are fed up with Washington dictating to them how they are going to live, how they are going to spend their State funds, and how they are going to do business in their own States.

Mr. Chairman, all we are saying with the Istook amendment is let the States decide how to spend their own funds.

I ask a ''no'' vote on the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the last two speakers, including the gentleman from California, made the point that this is a States' rights issue and that the other side is trying to force these abortion services. Let me make it clear, that that was the gentleman who moved to strike my amendment which would have allowed the States to have that option.

Mr. Chairman, that could have been there if we had made that amendment in order and they allowed the Committee on Rules to do so. So let us make no mistake about it.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I applaud the gentleman from Arizona [Mr. KOLBE] for his motion to strike. I would have gladly supported his previous amendment, if it had allowed to be debated.

Mr. Chairman, I voted for the Hyde amendment in the 103d Congress and I continue to support that by voting for the Kolbe-Lowey-Morella motion to strike.

When a State chooses to participate in Medicaid, it must comply with Federal standards and standards require funding for abortion in the case of protecting the life of the mother, rape and incest.

Mr. Chairman, the overwhelming majority of Americans agree with this standard. This is not an issue of State's rights. This is an issue of common sense.

Preserving the human dignity of all Americans, particularly victims of these vicious crimes, must remain our priority. I stand by the 1993 Hyde amendment and urge all my colleagues to do the same by voting for the motion to strike.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, despite what some people may claim, the law of 36 States are in jeopardy if we do not defeat the Kolbe motion, including the laws of the gentleman's own State.

Mr. Chairman, these are the States whose laws are being overturned by the Clinton administration directive: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Iowa, Minnesota, Pennsylvania, Virginia, Wisconsin, and Wyoming.

Mr. Chairman, I rise to uphold the laws of those States against the people who are trying to say that Washington will overrule them and Washington will control all the important issues.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, what I would like to start with is talking about the States' rights movement in the Nation.

Mr. Chairman, the Nation is saying more and more that big government, big brother should not be making decisions, and a lot of the women's movement is saying the same thing.

Mr. Chairman, where we seem to be differing here, although probably if you polled the women of America they would agree with States' rights, but where we seem to be differing here, for some reason on this one it is OK for us to override 30-some State legislatures who made decisions, tell those people who were elected they are wrong, and change their law to mandate that their tax dollars from their citizens who elected them should be used for abortions.

Mr. Chairman, that is the word no one wants to talk about it. They always call it choice. That is what we are talking about and the American people know it. Let us talk about it. Abortion means terminating the life of a baby before it is born and not letting it be born.

That is the unspoken word we need to say: ''Abortions.'' Let us go to what the American people say again. They say that our tax dollars should not be funding this procedure. Even people that believe in some cases that abortion is OK, they do not believe, in any poll out there, that their money should be funding, taxpayer money should be funding this, because of the issue of the conscience of this Nation.

Mr. Chairman, I yesterday listened to people plead passionately for choice, but they did not plead passionately for what we are talking about.

I encourage my colleagues to stand up for States' rights.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, the right to choose is a constitutionally protected right, not a right subject to each State's prerogative. It is a right guaranteed to every woman, not to every State. But with every appropriation's anti-choice rider that passes, the Congress votes to deny more women the constitutional right to an abortion, leaving Roe versus Wade a shell of the protections envisioned by the Supreme Court.

This provision is perhaps the cruelest of all. It victimizes women who have already been victims of horrible crimes and who have endured tremendous suffering. Let the record be clear, women are not using the rape and incest exception to the Hyde amendment as a loophole to obtain abortion services.

In fact, this provision is not even about saving taxpayer dollars. It is about furthering an extreme anti-choice agenda with the ultimate end of criminalizing all abortions. Vote to strike.

Mr. KOLBE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of women who have already been victimized once and in strong support of the Kolbe-Lowey amendment.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Kolbe-Lowey amendment.

Mr. Chairman, I rise in strong support of this amendment, which does nothing more than return this bill to the terms of current law. Current law is hardly radical. It says that, throughout the Nation, Medicaid must fund abortions in cases of rape, incest or danger to the mother's life.

Medicaid is a national program, a federal program. It ought to offer the same minimal, basic coverage nationwide. And that's what this is—minimal, basic coverage.

We're not talking about funding abortions that are sought as a form of birth control or out of convenience or out of concern about the ability to responsibly parent a child. We're talking about federal funding for women who are the victims of rape and incest. These are not people who chose to get pregnant who could be accused of acting irresponsibly in any conceivable way. These women are victims of vicious, inhumane crimes. We ought to be seeking to help them.

Forty-six years ago, during the early debates over civil rights, Hubert Humphrey challenged the Democratic party to walk out of the shadows of states' rights and into the bright warm sunshine of human rights. Voting for this

amendment is our chance to place human rights above states' rights.

I urge my colleagues to vote for this amendment and not to add to the misery of women who have suffered the pain and indignity of rape and incest.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Lowey amendment as a Republican, as a woman, as a mother of 3, and as a grandmother.

This is a defining moment. This is a bottom-line issue on which we have to stand up and be counted. It is our obligation to make that very clear. Those who want Roe v. Wade overturned have won many of the votes recently and have forced the issue, but it seems to be that they are doing everyone a disservice. It has gotten to an extreme when they're talking about denying choice to a woman who is a victim of rape or incest. They are denying the rights under the Hyde amendment for women who are victims of rape and incest, the rights that other Americans are entitled to.

Mr. Chairman, the bill before us is saying, who cares if you have experienced rape or incest, deal with it. Find another way to pay for it. Part of life is dealing with hardship so it does not matter how much more physical and mental abuse you have to endure by carrying a forced pregnancy. And, while I would prefer to not have to speak about this issue in such terms, it is the only way to discuss in real terms the effect of the language contained in the bill.

We should not even be debating this issue. This is a constitutionally protected right. This is a legal medical procedure. This decision should be left to the woman involved after consultation with her family, her physician and her religious counselor. This profound moral decision should be protected by all 50 States, This should continue to be a right for all Americans, not only those who can afford it. No Second-Class citizens

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, I rise in favor of the motion to allow Medicaid abortions in cases of rape and incest.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. SLAUGHTER].

Mrs. SLAUGHTER. Mr. Chairman, I would like the RECORD to reflect that according to a Time-CNN poll, by an overwhelming majority of 84 percent, the public supports government funding for abortion in cases of rape.

When this Medicaid statute was written, it was clear that Congress intended the program to cover all medically necessary devices and services. It did not say a State could pick and choose. Is it possible to imagine a service more important than the option to have an abortion if you are a poor woman, or a girl, who has been raped or is an incest survivor? These women are already victimized; and this House, by this hard-hearted, discriminatory language does even more to discriminate against them all over again.

Mr. Chairman, the right to choose an abortion in these circumstances should not just be the right of wealthy women; it is blatantly unfair. Nor should abortion opponents be allowed to argue that this service has been overused.

Mr. Chairman, I include the following for the RECORD:

I would like to put it into the Record that: by an overwhelming margin of 84%, the public supports government funding for abortion in cases of rape, according to a Time/CNN poll.

This bill also nullifies the requirement that medical residency programs must provide training in abortion techniques unless the individual or institution has a moral objection to it. And, it bans Federal funds from being used for embryo research which leading scientists and endocrinologists tell us may hold the key to curing such diseases as diabetes and Alzheimers.

Mr. Chairman, this Congress is out of step on issues of women's reproductive health care. I urge my colleagues to stand up for women and vote against this very bad bill.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I do not know much about politics, but I do know what I saw when Arkansas people got together and filed an amendment that said, ''We want to vote on whether or not to have publicly funding abortions.'' We passed that Arkansas constitutional amendment, and it became the public policy of our State.

Mr. Chairman, we have heard today things like ''States rights issue as a facade,'' ''States do not have an option,'' and ''If it is a States' rights reason, it should be discarded.'' I do not think that is correct.

Mr. Chairman, I agree with Bill Clinton, who was the Governor at the time of this particular amendment, when he said, ''We should not spend State funds on abortions because so many people believe abortion is wrong.'' I do support the concept of the proposed Arkansas constitutional amendment, No. 66, and agree with its stated purpose.

Mr. Chairman, we are asking that the States be allowed to decide this issue. That is the reason we are asking our colleagues to vote ''no'' on the Kolbe amendment and ''yes'' on the Istook amendment.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the motion of the gentleman from Arizona [Mr. KOLBE].

Mr. Chairman, today, we must ask ourselves whether or not we will respect the rights and needs of victims of rape and incest. The victims of these horrendous crimes are unfairly caught in the cross fire of a debate that fails to recognize their rights.

In past weeks, we spoke loudly in defense of the rights of women and children in Bosnia who have been victims of rapes. Should we speak any less of the rights of rape victims here at home? I think not.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON. of Florida. Mr. Chairman, while it is true that in polling data we can generate polls that show that most Americans support legalized abortions in the setting of rape and incest, and there may be some polls by some publications that claim that the voters actually want to fund it, the truth is that 36 States, through the hard work of their State representatives, their State senators and their Governors have chosen. They do not want to fund this thing.

Mr. Chairman, one of the first things Bill Clinton did when he was elected is, he said, ''You have got to fund it.'' Yes, there are lots of courts that have gone along with that.

What the gentleman from Oklahoma, [Mr. ISTOOK] is saying is that if the States choose that they do not want to fund it, their laws that were duly enacted by their State legislators and their Governors should be respected. I think the language of the gentleman from Oklahoma [Mr. ISTOOK] is very reasonable language, and I totally support the language.

Mr. Chairman, I would urge my colleagues to vote ''no'' on the Kolbe amendment.

□ 1815

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Lowey-Kolbe amendment. A far right, anti-women minority in this chamber has inserted a repulsive provision into this bill. The radical minority plans to prohibit the use of Medicaid funds to pay for abortions for women who are raped or victims of incest. This bill serves to penalize poor women for their economic status.

If we discriminate against women who are least likely to be able to afford to pay for an abortion during the traumatic and physically devastating circumstances of rape or incest, then many poor woman who can not afford to pay for the procedure will be forced to carry their pregnancy to term.

This provision is just another step backward to a time when the Government made decisions about womens reproductive health and back alley abortions were common.

Rich women can afford abortion services in cases of rape or incest, however this bill serves to penalize poor women for their economic status.

I urge my colleagues to join me and the majority of the American people in preserving every woman's right to control her own body. Support the Lowey-Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, this whole conflict is not about States rights—if it were, we would be considering the Kolbe-Pryce-Fowler amendment which would have protected States' rights.

What is really at issue here is whether poor women should be able to get an abortion if they are victims of rape or incest. I want to ask my colleagues—if you were poor and your mother, your sister, or your daughter found herself pregnant as the result of rape or incest, how would you feel?

If you vote for the motion to strike, you will be preserving the 1993 Hyde language—which was overwhelmingly supported by pro-life members. If you vote ''no'', you will be denying assistance to women who are in a desperate situation as the result of a criminal act. Vote to strike this provision.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], who has been the sponsor of that, and we have heard about the language of the amendment, to explain the true situation.

Mr. HYDE. Mr. Chairman, I am certainly against violence against women. I am also against violence against innocent, unborn children.

You can punish the rapist. I do not know what crime the unborn child has committed.

The Supreme Court, when it found a statute imposing capital punishment on a rapist unconstitutional, said, ''The punishment is grossly disproportionate to the crime.'' What crime has the unborn child committed? Unless, of course, you want to put more value on a spotted owl or a snail darter than an innocent, unborn child.

Now, I am the author of the Hyde amendment. Does legislative intent mean anything? I did not intend that to be mandatory, but to be permissive. I do not support abortions as a result of rape or incest, because I view the child in the womb as a human life.

Abortion is a terrible thing. Rape is a horrible thing. The only thing worse than rape is abortion. That is killing. That is killing.

Violence in the womb against an innocent human being is, it seems to me, the ultimate crime.

I do not say that a woman who has been raped has anything less than a horrible situation. But there is adoption. There is private funding. But do not tell the States who do not want to fund with tax dollars abortions, do not lack the moral imagination to understand, there are two people involved, not just the woman, tragic as that is. That is a call on our love, on our concern, on our help. But why compound the wrong by executing an innocent human life?

If you believe the unborn is a bunch of cells, a tumor, an appendix that could be taken out, then go ahead and dispose of her. But its a tiny human life—and deserves a chance to live.

Vote for Istook.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, a few weeks ago, military women, who are stationed overseas lost their right to use their own money to find a safe and legal abortion in a military hospital.

Then, Federal employees were denied their right to receive safe and legal abortions through their own insurance plans. Now, rape and incest victims, will be victimized again by this appropriations bill. Today, Medicaid recipients are losing their right to make decisions about their own reproductive health care, unless my colleagues stand up now, before it is too late, before the right to choose rings hollow for most American women.

Support the Lowey-Morella-Kolbe amendment, support a woman's right to choose.

Mr. KOLBE. Mr. Chairman, I yield the remainder of my time, 1 minute, to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE. Mr. Chairman, proponents of the bill's current language claim to protect State's rights, but in the process they are punishing victims of tragic, violent crimes, and they forget that no State is forced to take Medicaid funds, but if they do, human decency dictates that we cover women who are faced with unwanted pregnancies as a result of such heinous, violent crimes. We are talking about poor women who have, by no fault of their own, been brutally victimized.

Last Congress, we determined that rape and incest are legitimate exceptions. This is the correct standard and one which should be applied consistently, one that does not further victimize the victims of sexual abuse, and one that innocent victims of our society's most horrible, most terrible, and most degrading of acts should not have to follow.

Vote to strike the Istook language.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this really boils down to one most basic question that I would like to ask all my male colleagues to ask of themselves: If your daughter, your sister, your mother, were raped and became pregnant as a result of that rape, do you really want us men in this body or the men that comprise the majority of every other State legislature around the country making that most personal decision for her?

I know in your hearts the answer is ''no,'' and that is why you must support this amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds, the remainder of my time.

Mr. Chairman, I would just like to remind everyone again, this amendment is very clear. If Members vote against this amendment, they are sending a message to the women of America that the victims of rape must carry that rapist's child, that the victims of incest must carry their father's child.

The law is very clear. States' rights is always the last resort of scoundrels.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, many horrible things happen in life. We try to remedy them. Not all of them can be remedied from Washington, DC.

We have a system of government with 50 States that have obligations to their people.

Mr. Chairman, we are covering victims of rape and incest under the amendment that is now in the bill. Everyone lives in a State that is eligible for Federal funds to pay for an abortion procedure for a victim of rape and incest under Medicaid funding, every single State in the country.

It is then the choice of the State whether to do so. Thirty-six States, far and away the majority of the States in this country, have declared through their people the public policy that says, ''We are not going to use our funds to do that.''

If these people have a complaint, let them take it to their home States. They uphold, I am sure, their State governments and their State legislatures. If they have a gripe with them, take it to them. They do not want to do that. Our constitutional system says they should, but they do not wish to follow it.

They intend for Washington to be in charge of everything, and as difficult as it may be sometimes, we must let the States make tough choices, not say that they are all the responsibility to be made in Washington.

When he was Governor of Arkansas, Bill Clinton wrote, ''I am opposed to abortion and to government funding of abortions.'' That was in 1986. He said he opposed what these people now proposes, and then in 1993, as President, he had a directive issued telling States they must do so.

Just because he flip-flopped does not mean we should.

Mr. Chairman, I oppose the Kolbe amendment and ask the vote accordingly.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of August 2, 1995, further proceedings on the amendment offered by the gentleman from Arizona [Mr. KOLBE] will be postponed.

AMENDMENT OFFERED BY MR. GANSKE

Mr. GANSKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GANSKE: strike line 7 and all that follows through page 72, line 15 (relating to certain medical training programs).

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Iowa [Mr. GANSKE] and a Member in opposition each will be recognized for 10 minutes.

Does the gentleman from Texas [Mr. DELAY] wish to be recognized in opposition to the amendment?

Mr. DELAY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment that I have offered with the gentlewoman from Connecticut [Mrs. JOHNSON] is simple. It allows professionally licensed organizations to continue to set their own standards for the education and accreditation of their members.

The bill, as it stands, replaces decisionmaking by the Accreditation Council on Graduate Medical Education [ACGME] with that of politicians. My amendment strikes that language.

This debate may produce the spectacle of the four physicians of this body debating on the floor of this institution residency requirements for graduate medical education. That is a sad way to do professional accreditation.

The language in this bill was adopted in response to the ACGME attempting to put into language longstanding practices for ob/gyn residents. These guidelines were unanimously approved and recognize the importance of ensuring that residents are fully trained.

However, any person or program with a religious or moral objection to abortion does not have to perform abortions. The bill, however, would deny funds to those health care entities that follow these nationally recognized standards because it mentions the word ''abortion.''

Let me be clear. This is the language we are debating. The language and the accreditation says,

No program or resident with a religious or moral objection will be required to provide training in or to perform induced abortions. Otherwise, access to experience with induced abortion must be part of residency education.

This is a reasonable standard. It recognizes the importance of exempting abortion training for any person or program who objects. The standard merely states that other residents should have access to experience with induced abortion. Induced abortions include medically indicated abortions such as those that protect the life of the mother. The ACGME standard strikes a reasonable balance that does not need to be legislated by Congress.

□ 1830

Mr. DELAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON], who is an internist and a trained physician.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the ACGME is the Accreditation Council for Graduate Medical Education. It is the body that makes the determination whether or not a residency program, be it in internal medicine or obstetrics and gynecology, is accredited. It has a tremendous amount of delegated power and authority because the Government of the United States has decided that it will not reimburse hospitals with tax dollars under the Medicare and Medicaid programs unless the residents serving those patients in that hospital are in an ACGME accredited program.

Now, the abortion industry is facing a tremendous problem nationwide. It is called the graying of the industry. The abortion providers are all getting old. They have a serious problem with the shortage of providers. In steps the ACGME, and I will read to you the beginning part of what my colleague from Iowa left out. It says, ''Experience with induced abortions must be part of the residency.''

Yes, there is a conscience clause, but what will happen? The same thing that happened to me when I was a medical student.

In the middle of the night, I did not know any better, so I went in the room and I saw it. I saw a 15-year-old girl be dragged in by her mother. She was in the late half of her second trimester. She was showing. She did not want the abortion, and her mother made her do it, a saline-induced abortion. And that is why I am pro-life. It was brutal and it was wrong and it should be illegal. And now we have got the ACGME stepping in here.

Let me tell you what the Alan Guttmacher Institute says about this issue. Requiring residency programs to provide abortion training would convey the message that abortion is a core service within the ob-gyn specialty. Nobody wants to do it.

I learned communism was wrong when I was a little kid because I saw on the TV that people were climbing over the walls in Berlin to get out, and I knew they were dying to get into the United States. They were voting with their feet.

The doctors in this country have voted with their feet. They do not want to do this procedure and now we have the ACGME with the power of the Federal Government behind it stepping in and saying, you have got to train them. You have got to do it. Oppose the Ganske amendment. Support the language in the bill the way it is.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of an amendment offered by the gentleman from Iowa, Dr. GREG GANSKE.

Mr. Chairman, let me speak from a layperson's perspective. My primary concern is that we want those who practice obstetrics and gynecology, or any other kind of medicine, to be trained in every legal medical procedure. I certainly would want to know that those treating my loved ones, families or friends, would have the best or most complete training in order to safeguard their lives in either emergency or nonemergency situations.

Quite frankly, and to close, Congress simply has no business legislating on this issue. Let us keep the heavy hand of government out of graduate medical education.

I am including for the RECORD a letter from the American College of Obstetricians and Gynecologists:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 2, 1995.

Hon. RODNEY FRELINGHUYSEN,
514 Cannon House Office Building
Washington, DC.

DEAR CONGRESSMAN FRELINGHUYSEN: On behalf of the American College of Obstetricians and Gynecologists (ACOG), an organization representing physicians dedicated to improving women's health care, I am writing to urge you to support a motion that will be offered by Representatives Greg Ganske and Nancy Johnson to strike Section 512 of HR 2127, the Labor, Health and Human Services Education and Related Institutions FY96 Appropriations Act. This section would prohibit the government from recognizing the Accreditation Council on Graduate Medical Education (ACGME) as the accrediting body for residency programs in Obstetrics-Gynecology if the current ACGME standards regarding abortion training are not reversed.

Section 512 was added to HR 2127 during the Appropriations Committee markup by Representative Tom DeLay and is designed to override new ob-gyn residency training requirements adopted by the ACGME. The ACGME is a private medical accreditation body composed of the American Medical Association, the American Hospital Association, the American Association of Medical Colleges, the American Board of Medical Specialties, and the Council of Medical Specialty Societies that is responsible for establishing medical standards for more than 7,400 residency programs. Earlier this year, the ACGME adopted modifications of the requirements that Obstetrics and Gynecology residency programs must meet to be accredited. These modifications include the following:

Experience with induced abortion must be a part of residency education, except for programs and residents with moral or religious objections. This education can be provided outside the institution. Experience with management of complications of abortion

must be provided to all residents. If a residency program has a religious, moral or legal restriction which prohibits the residents from performing abortions within the institution, the program must ensure that the residents receive a satisfactory education and experience managing the complications of abortion. Furthermore, such residency programs (1) must not impede residents in their program who do not have a religious or moral objection from receiving education and experience in performing abortions at another institution; and, (2) must publicize such policy to all applicants to that residency.

During the Congressional debate on this issue, misconceptions about the ACGME language have arisen that I wish to clarify. First and foremost, under the ACGME requirements, no institution or individual can be required to participate in the training of induced abortion. Thus, Section 512 seeking to override the ACGME language in order to protect institutions and individuals opposed to abortion is unnecessary given that the requirements already guarantee that any program or resident with moral or religious objections are exempted from the training. ACGME has demonstrated its fairness and its commitment to this principle by altering its language when it was argued that the requirement forced more involvement than those opposed to abortion were comfortable with. Now all that is required of a program that chooses not to provide abortion training for moral or religious reasons is that they notify residents that the program does not offer the training and that they not impede residents from getting the training elsewhere. In addition, training in elective abortions is not specified. Rather, the language requires that training in induced abortions take place.

Congressional override of the ACGME training requirements sets a very dangerous precedent. Never before has Congress sought to override educational standards, let alone standards for training in medicine. ACOG is forced to oppose any new involvement of the government in the education of physicians.

Although Section 512 is intended to address the ACGME abortion training requirements, it actually goes much farther by prohibiting federal and state programs that receive federal funds from relying on ACGME accreditation for Ob-Gyn residency programs. This could create havoc in the medical education field.

For example, to assure that federal funds are being provided for quality medical education, the Medicare program requires that to be eligible for federal funds a residency program must be accredited by ACGME. Section 512 states that the Medicare program cannot rely on ACGME accreditation, but fails to provide any indication of what standards should be used as a substitute. If Section 512 becomes law, the Medicare program would be faced with four choices in order to comply: (1) to establish a separate federal accreditation standard and compliance process for Ob-Gyn residencies; (2) to require the states to establish such a standard; (3) to encourage the formation of an alternative private accreditation standard; or (4) to have no standard and allow residence programs to receive federal funding with no quality demonstration.

In ACOG's view, none of these alternatives are desirable and several would create major problems for Ob-Gyn residency programs. The first two options involve government in a field that has traditionally been left to the private sector. No doubt establishing new government standards would be time consuming and duplicative of the work ACGME has done for years. Even if this is accepted as an appropriate role, the fate of Ob-Gyn residencies and those that are enrolled in such programs would be in doubt until such new standards could be put in place. The third option, while not involving the government, would cause the same disruptions and uncertainty, as current laws require that one must have completed an ACGME accredited program in order to become board certified in Obstetrics and Gynecology. If the government chooses any of the above options, programs would have to be accredited twice if they desire to receive federal funds and to have their residents eligible for board certification. It is unlikely that a program that does not have federal funds or whose residents are not eligible for board certification could survive. The final option removes all protections of quality, which clearly is not the desire of physicians and their patients, nor should it be the intent of the Congress.

Clearly, Section 512 could have many unintended consequences for the federal government, states, the medical education field, physicians, and their patients. Although ACOG is opposed to any federal intervention in the ACGME accreditation process, we recognize that there are those who believe Congress should intervene in this process. For those individuals, ACOG must point out that Section 512 is more far-reaching than necessary, is vague, and non-specific and should be opposed. ACOG urges you to support the Ganske-Johnson motion to strike this provision when the full House considers the Labor, HHS Appropriations bill later this week.

Sincerely,

RALPH W. HALE, MD,
Executive Director.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, let us be clear about what is going on here. We are moving from the status quo. Ob-gyns were never required to perform abortions. This is pro-life. Do we not think there are enough abortions already? Here is why we are doing it.

The ACLU says, abortion mandatory training would be a major step so that we can substantially have a greater number of programs teaching abortions.

The New England Journal of Medicine talks about this conscience clause. Residents who wish to opt out of abortion training should be required to explain why in a way that satisfies stringent and explicit criteria. This is not an easy way to opt out.

The Guttmacher Institute says, yes, let us move this, and with mandatory training, we can make this a core service around the country in every hospital.

Mr. Chairman, is that what we want? The Catholic Health Association says, and I agree, these program requirements are unacceptable. The intent is to expand access to induced abortion.

We had hearings on this in my subcommittee. Not once did the ACGME bring up women's health. Not once were they talking about providing women's health care. They are talking about expanding the access to abortion.

All I can say is it is ironic that at this point, people that are pro-choice now are saying to residents, you must, you must perform one of the most reprehensible and revolting medical procedures in this country today.

Mr. Chairman, what a point that we are moving to. I strongly urge opposition to the Ganske amendment.

Mr. GANSKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, two points. First, the ACGME was not invited to the hearing. Second, the ACGME has never said that residents would be stigmatized. That was an individual editorial printed not by the residency requirement committee.

Mr. DELAY. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA] to respond.

Mr. HOEKSTRA. Mr. Chairman, later on today I would like to give my colleague from Iowa transcripts of the hearing. ACGME was there. They testified. We were glad to have them there.

Mr. GANSKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the ACGME was only invited by the minority.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I thank the gentleman from Iowa for yielding me time.

Mr. Chairman, I thank the gentleman for the opportunity to speak on this amendment. This amendment is not a pro-choice or pro-life issue. It is an issue of Congress overriding medical accredication standards designed to provide a comprehensive medical education for thousands of physicians.

The Accreditation Council for Graduate Medical Education [ACGME] is a private medical accreditation body responsible for establishing medical standards for more than 7,400 residency programs in this Nation.

This amendment would remove a provision in the bill which allows institutions to bypass the accreditation process if the standards include training in abortion procedures.

Under ACGME requirements, no institution or individual is required to participate in abortion training. Any program or resident with a moral or religious objection is exempted.

Congress has never before sought to override private education standards, let alone standards for training in medicine. In a time when Congress is reducing the size and influence of government, this amendment hardly makes sense.

It is clear that some in this Congress want to take away the right to choose for all women. This stealth campaign against a woman's right to an abortion—a right guaranteed by law—but now they are going after the medical schools and the doctors, and that is just plain wrong.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Ganske-Johnson amendment.

Mr. Chairman, all that this amendment does is strike the prohibitive language presently contained in the bill thereby maintaining Federal requirements concerning the Accreditation Council on Graduate Medical Education's evaluation of residency programs in obstetrics and gynecology.

Mr. Chairman, this past June, the Accreditation Council proposed important reforms that would respect and protect the rights of those programs and residents with moral or religious objections to abortions. And, let me make clear to my colleagues just what these reforms said.

These reforms state that those residents who want to receive abortion education outside of the institution they are attending cannot be impeded from doing so. And, at those institutions that do not train residents in performing abortions, they must provide residents with satisfactory experience and education in managing the complications of abortion.

And, this experience and education is well described in a Dear Colleague circulated in opposition to the Ganske-Johnson amendment. And I quote:

Ob/Gyn residents already learn the techniques to handle pregnancy, miscarriages and complications from abortions and, in learning these, learn the medical techniques to handle those extremely rare situations in which an abortion is actually performed in response to a women's health emergency.

Mr. Chairman, it is quite clear from both the stated reforms and comments of my colleagues opposed to the current standards that no resident or institution opposed to abortion is required to practice such a procedure. But, this simple truth does not matter to some abortion opponents.

Under the language in H.R. 2127, not only would Federal and State accreditation requirements be nullified if abortion training is a criterion, but the Accreditation Council could not even license or provide financial assistance to any institution that provides training in induced abortions or assists a resident in receiving training outside of that institution.

Mr. Chairman, this is just plain absurd. Lets get the facts straight. Once again, abortion opponents are taking the issue too far. Nothing under current regulations forces abortion training for residents and conditions licensure and financial assistance on institutions opposed to abortion.

Let's recognize this for what it is—

Totalitarian un-American-like interference in Medical education curricula—Is the Federal Government really going to dictate to professionals how their educations should be structured and their academic freedoms curtailed? And if you think I distort or exaggerate turn the issue around—suppose the pro-choice advocates required all academic centers, even religious institutions to teach abortion medical techniques and to perform abortions against their convictions. That would be a violation of their own convictions just as this provision is a violation of professional and academic freedoms. We are talking about a medical procedure that is legal under the laws of our country and confirmed by the Supreme Court. A medical procedure that should be taught to medical profession as long as their own moral convictions aren't violated.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH]

Mr. SMITH of New Jersey. Mr. Chairman, let me say very closely that the DeLay amendment does not force the accreditation council to change its accreditation standards, but it does say that in determining who can receive Federal benefits, the Federal Government will not be guided by an organization that discriminates against institutions which do not offer, quote, experience with induced abortion as a standard part of their medical training.

Mr. Chairman, this amendment would deny doctors the right to choose not to do abortions. This is a very heavy-handed push by the abortion industry because fewer and fewer residents and members of the medical profession are going into the abortion industry. This is a heavy-handed effort to use the power of the Federal purse to coercion, to force, to pressure.

Yes, there is some opt out language, but this would mainstream the killing of unborn children on demand for any reason whatsoever, and to coerce these individual residents and their residency programs to be a part of that. This is a part of the abortion industry's push. I hope that this amendment gets rejected.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, every day I hear my Republican colleagues say we should keep the Government out of business, we should keep the Government out of education, we should keep the Government out of the environment. Yet, here we are debating whether our not the Government should interfere with the decision-making process of a private organization.

Mr. Chairman, we are debating whether the lawyers and the business people who sit in Congress should be deciding the curriculum for graduate medical education. So much for small government.

The medical experts at ACGME understand that basic women's health includes the full range of reproductive services, including abortion. They understand that women's lives will be put at risk if OB–GYNs are not trained to serve all of their health needs.

Mr. Chairman, who are we in this body to impose our medical expertise on the doctors and patients of America?

I urge my colleagues to support this amendment and it should reject the hypocrisy of so-called proponents of small government.

Mr. DELAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in 1 minute, I might say, if the moral language brought out by the gentleman from Iowa provided any comfort to these teaching institutions, why are they against his amendment and for my amendment in this bill?

We must act on this because Medicare and other Federal benefits and the heal programs that loans to these doctor students are based upon accreditation. Simply put, the accreditation council has issued guidelines which require medical students to be trained in performing abortions, and the language in this bill ensures that Federal programs and States receiving funds under the bill do not penalize doctors and hospitals that refuse to perform abortions when they give accreditation and receive Federal dollars to practice medicine. We are getting the Government out of these private institutions.

What has happened is this ACGME has decided to get involved in abortion politics and to force abortion training on people that do not want it. Vote no on the Ganske amendment.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, the amendment is about who controls medical education, the Government or the medical profession.

The American College of Obstetricians and Gynecologists have made a determination that while abortion is a legal procedure, medical schools should ensure that students know what is safe, ethical, and legal and what is malpractice.

☐ 1845

I strongly support the Ganske amendment. Government should not be telling schools what they can and cannot teach.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment. This bill is not the place to debate the standards, and the time and the fashion of accrediting health professional schools. We should not be using this bill to get crosswise with the legitimate programs of accreditation which rest with the standards of practice of medical professional societies.

Since this House convened for the first time this year, I have been hearing from this side of the aisle my colleagues saying it is time for government to get out of decisions which are made by citizens on matters which affect them. I see no reason why we

should not apply that very sensible rule here at this time. Accreditation is something which relates to professional competence, and professional competence requires that people who engage in professional activities should know all about all parts of their business.

I happen to personally oppose abortion, but I recognize the need to have a properly trained medical profession in this country.

Mr. GANSKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us look at the language in the requirements. The language says no program or resident with a religious or moral objection will be required to provide training in or to perform induced abortions. This is reasonable. This amendment is about government involvement in professional accreditation.

Whatever my colleagues' position on abortion, I urge them to support this amendment and resist the effort to overturn who controls professional standards.

I am antiabortion, as is the cosponsor, but we agree that Congress should not set a precedent which would place us in the position of being Big Brother to every licensed professional in America. Who would be next? Teachers? Nurses? Architects? Engineers? Accountants? Or lawyers?

Mr. Chairman, this bill sets a very worrisome precedent. Will the ACGME's moral and religious exemption be eliminated by a future Congress less concerned about the rights of individuals or hospitals to not perform abortions?

Support the Ganske-Johnson amendment and limit the intrusion of the Federal Government into private accreditation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. Johnson].

The CHAIRMAN. The gentlewoman from Connecticut is recognized for 30 seconds.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today to join my colleague from Iowa in support of the Ganske-Johnson amendment. This amendment preserves the traditional process of allowing private accrediting boards to set their standards free from Congressional interference.

Let us understand clearly the implications of the underlying bill. It sets the precedent for congressional meddling in accrediting standards for the training of doctors now, but potentially lawyers, teachers, accountants, or any other privately accredited profession in the future. It is ludicrous to presume that Congress is capable of judging and amending the standards set by bodies such as the Accreditation Council for Graduate Medical Education, (a professional accrediting board comprised of the American Medical Association, American Association of Medical Colleges, and several others). This body has traditionally determined the standards to which physicians and medical schools must adhere. They revise their accrediting standards on a regular basis, in order to take into account changes in the world around them, and their decisions have been universally respected. Never has Congress sought to intervene!

Let me be clear. This amendment is about standard-setting and who should establish professional standards. Are we prepared to judge that inducing an abortion is not medically different from managing a spontaneous abortion (also known as miscarriage) in which some dilation has naturally occurred, and some contraction of the uterus has thickened its walls? Do we want to rule here today that there is no greater danger of perforating a uterus when no contractions have occurred than when contractions have occurred? Do you want a physician who lacks the knowledge of what to expect, and therefore how to react? As a woman, I don't want you judging this. I want the experts setting these standards. The fact that the physicians in this House disagree on the ACGME policy underscores the importance of keeping this issue out of the political arena.

I urge my colleagues to keep government where it belongs, outside the process by which America has always set high standards for its medical training institutions. Vote "yes" on the Ganske-Johnson amendment.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa [Mr. GANSKE].

Mr. DELAY. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. COBURN], who is trained as an ob/gyn.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. COBURN] for 3 minutes.

Mr. COBURN. Mr. Chairman, I would make a correction. I am trained as a family practice resident and obstetrician.

As many of my colleagues know, I am an actively practicing obstetrician, and this past weekend I spent a great deal of time and had great pleasure delivering a number of newborn Oklahoma babies. Therefore, the subject I am going to talk about is based upon profound, prolonged, and years of experience. I cared for over 5,000 women, delivered in excess of 3,000 babies, and, yes, have had the unfortunate circumstances of having had to perform abortions to save the life of women. But I think it is interesting that we should talk about what the issues really are.

Many people have said that the Government should not be involved in this issue. The fact that we are involved in this issue is because a government-ordained accrediting agency has stepped outside the bounds of medicine and into the bounds of political expediency and political correctness. That is why it is being addressed in this legislation. The action of the Congress in this bill is appropriate to see that the organizations stay within the bounds of their charter, and that is our oversight responsibility.

Now the other issue: The ACGME argument is a fallacious argument. Any doctor trained to handle the first or second trimester of pregnancy is already trained to do a induced abortion. The argument is specious. They already have all the skills that are necessary to perform an induced abortion. So, if the basis of this argument from ACGME is not based on medical need, what could it possibly be based on? For such an accrediting body to act in such an irresponsible fashion the reason is very simple. It is very sly, but it is very simple. It is based on desensitization and coercion in order to obtain a certain desired political result.

Mr. Chairman, there is a shortage of abortionists in this country, not because they lack training, but because most physicians abhor the procedure of abortion and refuse to do that procedure. The way they would have us fix this is to coerce training for every resident physician. Those who object? Yes, they can opt out, but the real fact of being in a residency program is, if someone tries to opt out, they are going to be coerced in a number of ways that will make it very difficult for them to be in that residency. So, the real result of the policy is to coerce a certain action.

This is an accreditation for quality medical care. This is about increasing the supply of abortionists, and this is an area of active responsibility by this Congress to confront those who have shirked their delegated responsibility and have abused it for political purposes. Let us call it what it is. It is social and political engineering. It has nothing to do with quality medical care or quality medical training, and it has nothing to do with quality resident training.

Mr. WAXMAN. Mr. Chairman, this amendment is about who controls medical education—the Government or the medical profession.

Medical schools and professional societies have directed their own curriculum standards since the beginning of organized medical training.

The Federal Government has never interfered in that effort, even after years of proposals about things that various politicians have thought would be a good idea.

The political manipulation of curriculum and licensure is wrong. Congress should leave medical education to educators and should leave professional licensure to professionals.

The American College of Obstetricians and Gynecologists have made a determination that while abortion is a legal procedure, medical schools should ensure that students know what is safe, ethical and legal and what is malpractice.

If you want to limit abortion, you should vote to limit abortion—and there are plenty of chances in this bill to do that. But you should not vote to get the Federal Government involved in classrooms, curriculum, and school accreditation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GANSKE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GANSKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, August 2, 1995, further proceedings on the amendment offered by the gentleman from Iowa [Mr. GANSKE] will be postponed.

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. BLUTE

Mr. BLUTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUTE: Page 75, after line 24, insert the following section:

SEC. 514. Of the total amount made available in titles I through IV of this Act, there is hereby made available for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981 an amount that is equal to 2 percent of such total amount (exclusive of funds that are by law required to be made available) and that is derived by hereby reducing each account in such titles (exclusive of such funds) on a pro rata basis to provide such 2 percent.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Massachusetts [Mr. BLUTE] and a Member opposed will each be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is fairly simple and straightforward. The Low Income Home Energy Assistance Program [LIHEAP] was not funded in the appropriations process this year. I think that was a mistake. Through this amendment I seek to correct that situation by reducing the overall funds available in the bill by 2 percent and applying that money to LIHEAP. This would provide—according to CBO—$500 million in funding for this authorized program, less than the program received last year but maintaining an important effort to help real people with real problems.

LIHEAP provides much-needed energy assistance services for thousands of poor and elderly Americans in my State of Massachusetts as well as in other cold weather States who otherwise could not afford to heat their homes during the cold winter months. It is estimated that nearly 6.1 million households nationwide received heating assistance during fiscal year 1994 and about half of those households contained an elderly or disabled person. Furthermore, in areas of the country where the economy is experiencing only a very modest recovery, the impact of cutting fuel assistance will be especially detrimental.

LIHEAP-eligible Americans don't have the resources necessary to take care of the heating bill for a variety of reasons, and this money is needed to help them pay the utility bill. Low income households spend more of their total income for heating than the rest of us. That leaves precious little left for other necessities.

Without LIHEAP funding, the choice for these people is between eating a meal or heating their homes during the harsh winter months. In my opinion, that is no choice at all. Make no mistake about this program. It deals with a basic human need: adequate shelter during extreme weather conditions.

It should also be pointed out, that if LIHEAP funding is eliminated, the private sector may not necessarily be able to absorb fuel assistance costs. In New England, the primary fuel consumed during the winter is heating oil. While large electric or gas utilities may be able to absorb the costs for needy customers who cannot afford to pay their bills, small independent heating oil companies cannot afford to lose that revenue. In fact, home heating oil companies already sell the fuel at substantially reduced prices to their LIHEAP customers. Placing an additional financial burden on these small businesses is not a smart thing to do, and it will not work.

LIHEAP opponents will tell you that the program was created to provide temporary relief during the energy crisis when fuel prices were high. The fact of the matter is, even though fuel costs have stabilized, income levels have not kept pace and many people still find themselves unable to afford adequate heat in their homes. The number of senior citizens on fixed incomes has increased, continuing the substantial need for this program.

But, Mr. Chairman, LIHEAP doesn't only help those enduring extreme cold. We all are well aware of the recent tragedy and loss of life across the country due to the massive heat wave. In an effort to help those who cannot even afford a simple fan to help deal with the scorching heat, last week the President released $100 million in emergency LIHEAP funds to assist 19 States hit in the heat wave. With no relief in sight from this heat, more LIHEAP funding may be necessary to help defray the cost of the cooling bill.

The elimination of LIHEAP funding makes a bad situation even worse. If the Labor-HHS bill passes without restoring LIHEAP funds, the next time the temperature climbs into triple digits, there won't be any money to help people cope and the toll on our citizens could be devastating.

The best part about LIHEAP is that it is a block grant program. It provides specific funds to the states to disburse them in the best manner for each particular State and caps administrative expenses at 10 percent. LIHEAP is not another bureaucratic welfare program long on good intentions but sadly short on outcome. I strongly believe that reducing the deficit should be a top priority, and that is why my amendment cuts funding in other areas of the bill to pay for the restoration of LIHEAP. A program as important as LIHEAP is to the well-being of Americans living in areas of the country that experience temperature extremes should not be compromised.

LIHEAP is not a welfare program. It is a subsidy that helps economically disadvantaged hard working families and older Americans make ends meet. For this reason, I hope that you will join me in preserving funding for LIHEAP, vote for the Blute amendment.

☐ 1900

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is one of the most spectacular cover-up amendments that I have seen offered in a long time. I am the sponsor, the original sponsor, of the low income heating assistance program. Silvio Conte and I and Ed Muskie started that program a long time ago. We did it because we were tired of seeing senior citizens have to choose between paying their prescription drug bills and heating their homes.

God knows, there has been no one in this House through the years who has been a bigger defender of the low income heating assistance program than I have. I think it is absolutely crucial, but I want to tell you that this amendment is a last-minute operation which effectively simply covers political tracks for past actions taken in this House. That is the effect of it.

If you wanted to keep funding for LIHEAP in the budget, the time to do that is when you voted for the budget resolution that guaranteed that seniors would get clobbered in this bill. If you wanted to save LIHEAP, the time to do that was when we had a fight in the Committee on Appropriations over the 602(b) allocation made by the chairman which decided how much money would be available to this subcommittee and how much money would be available to Defense.

At that time, I offered an alternative which every single Republican opposed in that committee, every single one, which would have added $3 billion to this bill and then some and made it possible for us to save LIHEAP. The only real way, the only real way that you can save LIHEAP is to defeat this entire bill so that you can send it back to the committee, send the Defense bill back to the committee, and redo the 602 allocations so you have got some real room to fix LIHEAP.

If you do not do that, you are pretending that you are going to finance LIHEAP and you say: ''Oh, it is only going to be a 2 percent cut in other

programs.'' Baloney. Head Start has already been cut by a huge amount. Education has already been cut by $2.5 billion. Older workers have already lost 14,000 jobs, and you are going to cut them again. Drug-free schools have already been cut by 50 percent.

You are going to wind up, if you pass this amendment, cutting cancer research, cutting heart disease research, cutting Alzheimer's research, cutting virtually every medical research operation out at NIH.

There is nothing wrong with half of the gentleman's amendment, the half that tries to save the LIHEAP program. But the place that he gets the money from ought to be totally unacceptable to anybody who cares about education, about job training, about health care or senior nutrition or senior jobs.

I do not know of many senior citizens who appreciate being put in the position where they have to choose between having a tough time paying their home heating bills and dying because cancer research is not going to be strengthened. I do not think that is a choice we ought to be putting most seniors in. I certainly do not think that that is the kind of choice that many Members of this House tonight are going to find very useful.

So I would simply say I very much want half of the gentleman's amendment, but I am not going to stand here and pretend that this is the way to fix it. The only way that you can really preserve the ability to protect LIHEAP without cutting cancer research, without cutting NIH, without cutting senior nutrition is to beat this bill, send it back to committee, get a new 602 allocation so that you do not have to decide which senior citizen is going to take it in the chops.

Mr. BLUTE. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I would like to refute the gentleman from Wisconsin [Mr. OBEY] in one respect, and that is he talks about we are taking money away from Head Start; $161 million was proposed to be given to Head Start in our subcommittee meeting. You could have voted for that twice. Twice you said no. Twice you said Head Start was not a priority. You said twice that it was not a priority.

You considered other things more important than Head Start, one of which was to keep 628 lawyers well financed, well paid in the National Labor Relations Board.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

You betcha I voted against your amendment because of where you took the money. You had a personal axe to grind with Overnite Truck, with the NLRB because you did not like what they had done in the Overnite Truck situation.

So what did you do? After you sent a letter to the NLRB telling them you wanted them to rule a certain way and they did not rule that way, you offered an amendment to cut the guts out of their budget, and then you put it in Head Start.

And you want us to give you gold stars? Baloney. I think that is crossing the line. I am not only proud that I voted against your amendment, I think you should have been ashamed for offering it.

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from Buffalo, NY [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is about priorities today in this discussion, and I rise today as I have in the past to speak on the merits of the LIHEAP program. This important program, of course, provides cash supplements to assist low income households to pay winter heating bills. It is disturbing to many of us today that we have this bill before us that has no funding in the Federal year of 1996, and these serve probably the poorest households in the country and across all of our districts.

Many of our low-income citizens must pay a high percentage of their incomes already and quite simply cannot meet to pay their own energy needs. These LIHEAP recipients have an average income during the course of a year of only a little bit over $8,000 a year. Without some kind of assistance for their heating needs, these people could be absolutely put in dire straits.

The effects of being without heat are obvious to those of us who come from the Northeast and understand these kind of temperatures that we are looking at, not only the summer problems, of course, but those in the winter.

Mr. Chairman, I am proud to offer my support for the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

Mr. PORTER. Mr. Chairman, the $1.2 billion that Mr. BLUTE would add in his amendment would require a $63 million reduction in job training, a $17 million additional reduction in community health centers, a $13 million reduction in AIDS treatment services, the same amount that was added in the full committee by Mr. RIGGS, a $41 million reduction in the CDC, $1 million in the program of violence against women, reduce cancer research by $45 million, including breast cancer and cervical cancer, would cut heart disease research by $27 million.

It would cut drug abuse prevention and treatment programs by $36 million, Head Start by $68 million. Title I education for disadvantaged children, already reduced by $1.2 billion, would be cut another $120 million. Pell grants would be cut $114 million. Social Security would be cut $118 million.

I believe that we are at a point of decision as to whether a program that no longer has any Federal rationale for its existence here and that ought to be handled by the States and now amounts to simply a subsidy of the utilities who ought to handle this problem for all of their customers, whether this program continues or not I think it is time say it has got to be terminated. We do not have the money when we are running huge deficits to keep alive programs which have long since lost any reason to exist at the Federal level.

I would urge the vote, the Members to vote ''no.''

Mr. BLUTE. Mr. Chairman, I yield myself 30 seconds just to respond.

Mr. Chairman, in my district, in districts across the country, this is a very important program. Indeed the programs that the gentleman from Illinois [Mr. PORTER] has mentioned are all important programs, no doubt, but I do not think they have the direct implication of the well-being and indeed the very health of senior citizens and others as this important program does. This literally is the difference between a winter of health problems or not. I think it is very important.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Blute amendment. I believe strongly in cutting spending and balancing the budget. And I know that in order to do that, we are going to have to make some tough decisions.

But getting rid of the LIHEAP program is a mistake.

Mr. Chairman, many areas throughout the Nation have been experiencing a brutal heat wave—a heat wave that has claimed the lives of people in their homes and apartments. And it is tragic.

But the flip side of this happens in my home State in the winter. Where senior citizens and the poor literally freeze to death in their homes.

This amendment will help countless of poor people in my district to pay their energy bills and for many of them, it is a matter of life and death.

I know opponents will say that LIHEAP is a relic of the energy crisis, that energy prices have dropped since then and therefore we no longer need the program.

But every winter I get calls from constituents and they have to decide whether or not to pay their utility bill or buy food because they don't have enough money to do both. When that happens, Mr. Chairman, it means little to the people who cannot afford it that energy prices have gone down.

Mr. Chairman, I am not a Member of Congress who has been defending the status quo or advocating more spending. I believe in balancing the budget and I have come to this floor time and again to support spending cuts below the levels produced by the Appropriations Committee.

I commend the gentleman from Massachusetts for his amendment and ask

for a ''yes'' vote from my colleagues on both sides of the aisle.

Mr. OBEY. I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I am very pleased to hear Mr. BLUTE and my Republican colleagues speak so glowingly about LIHEAP. I know how important this program is in New York and the Northeast and other areas of this country, and I support those words.

However, the only way we can fix it, and let us face it, let us talk about the facts, is to defeat this bill and send it straight back to the committee.

Because I want it made very clear to the American people what this amendment does. It will cut breast cancer screening $3 million; Healthy Start, $1 million; Head Start, $68 million; mental health services, $7 million; drug treatment, $24 million; student aid, $140 million; maternal and child health, $14 million; and on and on and on.

This bill is broken. It is making severe cuts not only in vital programs like LIHEAP but in all the programs I talked about. Let us defeat this bill. Let us send it back to the committee and let us hope we can do it right the next time.

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we also face a tremendous financial crisis in our country. We need to have a balanced budget. I think that is of prime importance to the future of our country for all Americans. So just as they do in State legislatures, we are going to be forced to make tough choices, to make tough tradeoffs, some of which we do not like.

The fact is that the ultimate good of balancing the budget is essential. In this case, we are showing where the money is coming from, from more than a budget.

Some of those things that are in there are important, but I would submit to the Members of this Congress and the people of this country that this program is an essential program, is an important program, and it has direct effect on real people and their relative health and well-being during the extreme weather conditions that we find across our country.

It is a national program. All States are eligible for this assistance. The President just released $100 million to 19 States as a result of the recent heat wave.

It is a State-controlled program. It limits administrative expenses to 10 percent. It helped more than 6.1 million households last year.

Cuts in LIHEAP would disproportionately hurt those most vulnerable, the disabled, elderly, and young children. Fifty percent of LIHEAP-eligible households have an elderly or handicapped person residing in them. I happen to think this is an important program. I am willing to see other programs lose revenue to fund this important program.

□ 1915

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Our job is not to defend programs. It is to defend people. I would say to the gentleman, the real level of your dedication to LIHEAP will be seen by how he votes on final passage on this turkey of a bill.

I am the original author of the LIHEAP program, but I am not cynical enough to suggest that it be financed by cutting Social Security, cutting cancer research, cutting breast cancer research, cutting drug treatment, cutting student aid, cutting senior citizen nutrition.

I would suggest instead of cutting these programs, why not bring an amendment up here to cut the B–2, to cut the F–22? Why not take the money out of there? The gentleman voted for a budget which allowed the Pentagon to get an increase to $7 billion, while he took $9 billion out of this bill. Now he is suffering the consequences and he is wimping out. That is what is behind this amendment.

I urge a ''no'' vote.

Mr. STOKES, Mr. Chairman, the actions taken by the majority on the committee devastate the quality of life for two of what should be the most cherished segments of our society—our children and our elderly. This bill is bad for children and bad for the elderly.

The $24 million cut in meals for the elderly means that 12 million meals would no longer be available. Tens of thousands of elderly would be forced to go hungry. In my State of Ohio, the elderly would lose over 400,000 meals. Those in California would lose over 1 million meals, Louisiana over 240,000, Texas over 750,000, Mississippi over 100,000, Arkansas over 190,000, Oklahoma over 200,000, New York over 1 million, Michigan over 500,000, Illinois over 400,000, the list goes on and on.

While we are asking the elderly to go hungry, we are also asking them to ignore their need for heating in winter and cooling in summer. H.R. 2127 eliminates funding for LIHEAP. One would think that the 700 tragic and needless deaths from the recent heat wave would be enough to make us realize what is wrong with this bill. Without LIHEAP, over 6 million people will no longer have the energy assistance they need, and would be forced to make life threatening choices.

With respect to our children, while they are the weakest and most vulnerable in our society. They are among the hardest hit by this bill. The $55 million, or over 50 percent, cut in the Healthy Start Program means that over 1 million women would be denied the comprehensive prenatal and other health care, social and support services they need. The Nation's effort to combat infant mortality at a time when progress is just beginning to be made in addressing this national health problem would be devastated. With respect to Head Start, the $137 million cut means that nearly 50,000 fewer children will be served.

Mr. Speaker, I ask my colleague to show some mercy on our children and our elderly, reject H.R. 2127

Mrs. KENNELLY. Mr. Chairman, this appropriations bill makes many painful and unnecessary cuts. But nowhere is this bill more damaging than in its refusal to help millions of elderly and low-income people pay their energy bills.

Eighteen months ago, we went through a brutal winter with temperatures plunging below zero for weeks on end. LIHEAP was there to shield millions of seniors and children from the cold.

This month, the temperature climbed into the hundreds, causing hardship for many families in my district and in districts across the country. Again, LIHEAP was there to protect them from the heat—and the President's emergency release of $100 million LIHEAP funds was quite literally a life-saver for millions of people.

In the coming years, we will face extreme cold and unbearable heat again. And once again, our constituents will look to LIHEAP for assistance. But if we pass this bill as is, LIHEAP won't be there for them.

Opponents of LIHEAP admit that program works, but they think that cutting it is a smart way to reduce the deficit. I can tell you that when the country calls for fiscal responsibility, it is not suggesting that we leave seniors and children to suffer in severe weather.

Cutting an effective program like LIHEAP is a penny-wise, pound-foolish proposal that will endanger our society's most vulnerable members.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I want to commend Chairman PORTER for completing the fiscal year 1996 Labor, Health and Human Services, and Education appropriations bill under circumstances that can be described only as Herculean. I am a strong supporter of the Low-Income Home Energy Assistance Program [LIHEAP] and this is where I respectfully differ from my colleague from Illinois.

To put it quite simply, this program insures many families in my district that they do not have to choose between eating or heating. I have heard the argument that this program is no longer needed, that this program was crafted only a vehicle to get our Nation's poorest out of the energy crisis of the 1970's. But, I believe that is incorrect. LIHEAP is still necessary; unaffordable utility costs continue to be a crisis for low-income households.

The facts speak for themselves. LIHEAP brings potentially life-saving heat to nearly 6 million poor families, or roughly 12 million individuals with an average income of $8,000; of these individuals about 30 percent are elderly, and 20 percent are disabled. These families spend three times as much of their income on energy as does the average American household and the average program benefit is only $200.

We need to assure our constituents of our ongoing efforts to reform Federal social service programs, and to allow greater local flexibility. Because of its 10 percent cap on administrative expenses, LIHEAP delivers maximum benefits to those in need without any fraud or abuse. Eliminating an effective program like LIHEAP sends a confusing and inconsistent message to the states. In closing, I understand the budgetary reality in which we legislate, but I cannot stand silent as this Appropriations Subcommittee attempts to eliminate this effective Federal program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE] will be postponed.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—POLITICAL ADVOCACY

PROHIBITION ON THE USE OF FEDERAL FUNDS FOR POLITICAL ADVOCACY

SEC. 601. (a) LIMITATIONS.—Notwithstanding any other provision of law, the following limitations apply to any grant which is made from funds appropriated under this or any other Act or controlled under any congressional authorization until Congress provides specific exceptions in subsequent Acts:

(1) No grantee may use funds from any grant to engage in political advocacy.

(2) No grant applicant may receive any grant if its expenditures for political advocacy for any one of the previous five Federal fiscal years exceeded its prohibited political advocacy threshold (but no Federal fiscal year before 1996 shall be considered). For purposes of this title, the prohibited political advocacy threshold for a given Federal fiscal year is to be determined by the following formula:

(A) calculate the difference between the grant applicant's total expenditures made in a given Federal fiscal year and the total grants it received in that Federal fiscal year;

(B) for the first $20,000,000 of the difference calculated in (A), multiply by .05;

(C) for the remainder of the difference calculated in (A), multiply by .01;

(D) the sum of the products described in (B) and (C) equals the prohibited political advocacy threshold.

(3) During any one Federal fiscal year in which a grantee has possession, custody or control of grant funds, the grantee shall not use any funds (whether derived from grants or otherwise) to engage in political advocacy in excess of its prohibited political advocacy threshold for the prior Federal fiscal year.

(4) No grantee may use funds from any grant to purchase or secure any goods or services (including dues and membership fees) from any other individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(5) No grantee may use funds from any grant for any purpose (including but not limited to extending subsequent grants to any other individual, entity, or organization) other than to purchase or secure goods or services, except as specifically permitted by Congress in the law authorizing the grant.

(6) Any individual, entity, or organization that awards or administers a grant shall take reasonable steps to ensure that the grantee complies with the requirements of this title. Reasonable steps to ensure compliance shall include written notice to a grantee that it is receiving a grant, and that the provisions of this title apply to the grantee.

(b) ENFORCEMENT.—The following enforcement provisions apply with respect to the limitations imposed under subsection (a):

(1) Each grantee shall be subject to audit from time to time as follows:

(A) Audits may be requested and conducted by the General Accounting Office or other auditing entity authorized by Congress, including the inspector general of the Federal entity awarding or administering the grant.

(B) Grantees shall follow generally accepted accounting principles in keeping books and records relating to each grant and no Federal entity may impose more burdensome accounting requirements for purposes of enforcing this title.

(C) A grantee that engages in political advocacy shall have the burden of proving, by clear and convincing evidence, that it is in compliance with the limitations of this section.

(2) Violations by a grantee of the limitations contained in subsection (a) may be enforced and the grant may be recovered in the same manner and to the same extent as a false or fraudulent claim for payment or approval made to the Federal Government pursuant to sections 3729 through 3812 of title 31, United States Code.

(3) Any officer or employee of the Federal Government who awards or administers funds from any grant to a grantee who is not in compliance with this section shall—

(A) for knowing or negligent noncompliance with this section, be subjected to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office; and

(B) for knowing noncompliance with this section, pay a civil penalty of not more than $5,000 for each improper disbursement of funds.

(c) DEFINITIONS.—For purposes of this title:

(1) POLITICAL ADVOCACY.—The term ''political advocacy'' includes—

(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the grantee or grant applicant: is a defendant appearing in its own behalf; is defending its tax-exempt status; or is challenging a government decision or action directed specifically at the powers, rights, or duties of that grantee or grant applicant; and

(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(2) INFLUENCE LEGISLATION OR AGENCY ACTION.—

(A) GENERAL RULE.—Except as otherwise provided in subparagraph (B), the term ''influence legislation or agency action'' includes—

(i) any attempt to influence any legislation or agency action through an attempt to affect the opinions of the general public or any segment thereof, and

(ii) any attempt to influence any legislation or agency action through communication with any member or employee of a legislative body or agency, or with any government official or employee who may participate in the formulation of the legislation or agency action.

(B) EXCEPTIONS.—The term ''influence legislation or agency action'' does not include—

(i) making available the results of nonpartisan analysis, study, research, or debate;

(ii) providing technical advice or assistance (where such advice would otherwise constitute the influencing of legislation or agency action) to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision, as the case may be;

(iii) communications between the grantee and its bona fide members with respect to legislation, proposed legislation, agency action, or proposed agency action of direct interest to the grantee and such members, other than communications described in subparagraph (C);

(iv) any communication with a governmental official or employee; other than—

(I) a communication with a member or employee of a legislative body or agency (where such communication would otherwise constitute the influencing of legislation or agency action); or

(II) a communication the principal purpose of which is to influence legislation or agency action; and

(v) official communications by employees of State or local governments, or by organizations whose membership consists exclusively of State or local governments.

(C) COMMUNICATIONS WITH MEMBERS.—

(i) A communication between a grantee and any bona fide member of such organization to directly encourage such member to communicate as provided in paragraph (2)(A)(ii) shall be treated as a (2)(A)(ii) communication by the grantee itself.

(ii) A communication between a grantee and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either clause (i) or (ii) of paragraph (2)(A) shall be treated as a communication described in paragraph (2)(A)(i).

(3) The term ''legislation'' includes the introduction, amendment, enactment, passage, defeat, ratification, or repeal of Acts, bills, resolutions, treaties, declarations, confirmations, articles of impeachment, or similar items by the Congress, any State legislature, any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, recall, confirmation, or similar procedure.

(4) The term ''grant'' includes the provision of any Federal funds, appropriated under this or any other Act, or other thing of value to carry out a public purpose of the United States, except: the provision of funds for acquisition (by purchase, lease or barter) of property or services for the direct benefit or use of the United States, or the payments of loans, debts, or entitlements; or the provision of funds to an Article I or III court.

(5) The term ''grantee'' includes any recipient of any grant. The term shall not include any state or local government, but shall include any recipient receiving a grant (as defined by subsection c(4)) from a state or local government.

(6) The term ''agency action'' includes the definition contained in section 551 of Title 5, United States Code, and includes action by state or local government agencies.

(7) The term ''agency proceeding'' includes the definition contained in section 551 of Title 5, United States Code, and includes proceedings by state or local government agencies.

DISCLOSURE REQUIREMENTS

SEC. 602. (a) Not later than December 31 of each year, a grantee shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the grantee's chief executive officer or equivalent person of authority, and setting forth: the grantee's

name, the grantee's identification number, and—

(1) a statement that the grantee did not engage in political advocacy; or,

(2) a statement that the grantee did engage in political advocacy, and setting forth for each grant—

(A) the grant identification number;

(B) the amount or value of the grant (including all administrative and overhead costs awarded);

(C) a brief description of the purpose or purposes for which the grant was awarded;

(D) the identity of each Federal, state and local government entity awarding or administering the grant, and program thereunder;

(E) the name and grantee identification number of each individual, entity, or organization to whom the grantee made a grant;

(F) a brief description of the grantee's political advocacy, and a good faith estimate of the grantee's expenditures on political advocacy;

(G) a good faith estimate of the grantee's prohibited political advocacy threshold.

(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation one standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each grantee is assigned one permanent and unique grantee identification number.

FEDERAL ENTITY REPORT

SEC. 603. Not later than May 1 of each calendar year, each Federal entity awarding or administering a grant shall submit to the Bureau of the Census a report (standardized by the Office of Management and Budget) setting forth the information provided to such Federal entity by each grantee during the preceding Federal fiscal year, and the name and grantee identification number of each grantee to whom it provided written notice under section 1(a)(6). The Bureau of the Census shall make this database available to the public through the Internet.

PUBLIC ACCOUNTABILITY

SEC. 604. (a) Any Federal entity awarding a grant shall make publicly available any grant application, audit of a grantee, list of grantees to whom notice was provided under section 1(a)(6), annual report of a grantee, and that Federal entity's annual report to the Bureau of the Census.

(b) The public's access to the documents identified in section 4(a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) Records described in section (a) shall not be subject to withholding except under exemption (b)(7)(A) of section 552 of title 5, United States Code.

(d) No fees for searching for or copying such documents shall be charged to the public.

SEVERABILITY

SEC. 605. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

FIRST AMENDMENT RIGHTS PRESERVED

SEC. 606. Nothing in this title shall be deemed to abridge any rights guaranteed under the first amendment of the United States Constitution, including freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 32 offered by the gentleman from Arizona [Mr. KOLBE], amendment No. 10 offered by the gentleman from Iowa [Mr. GANSKE], amendment No. 18 offered by the gentleman from Massachusetts [Mr. BLUTE].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 32 OFFERED BY MR. KOLBE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona [Mr. KOLBE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 215, not voting 13, as follows:

[Roll No. 619]

AYES—206

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bono
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—215

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Frisa
Funderburk
Gallegly
Gillmor
Goodlatte
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Andrews
Bateman
Buyer
Filner
Geren
Gutierrez
McKeon

Moakley
Reynolds
Thurman
Towns
Williams
Young (AK)

☐ 1936

Mr. TUCKER and Mr. EDWARDS chaned their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 10 OFFERED BY MR. GANSKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa [Mr. GANSKE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Amendment No. 10 offered by Mr. GANSKE.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 235, not voting 10, as follows:

[Roll No. 620]

AYES—189

Abercrombie
Ackerman
Baesler
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Bono
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Nethercutt
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Portman
Pryce
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Shays
Sisisky
Skaggs
Slaughter
Stark
Stokes
Studds
Thomas
Thompson
Torkildsen
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fox
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Gordon
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—10

Andrews
Bateman
Filner
Moakley
Reynolds
Serrano
Thurman
Towns
Williams
Young (AK)

☐ 1943

Mr. ROSE changed his vote from ''no'' to ''aye.''

So, the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. BLUTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 53, noes 367, answered ''present'' 3, not voting 11, as follows:

[Roll No. 621]

AYES—53

Allard
Baesler
Baldacci
Blute
Boehlert
Bono
Camp
Castle
Chrysler
Clinger
Danner
Ehlers
Emerson
English
Flanagan
Foglietta
Forbes
Fox
Frank (MA)
Frisa
Houghton
Johnson (CT)
Kelly
Kennedy (MA)
Kennelly
Kildee
King
Klug
LaFalce
Lazio
LoBiondo
Martini
McDade
McHugh
McNulty
Meehan
Molinari
Neal
Ney
Olver
Petri
Quinn
Ramstad
Reed
Schaefer
Shuster
Skelton
Slaughter
Solomon
Torkildsen
Volkmer
Walsh
Whitfield

NOES—367

Abercrombie
Ackerman
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
Ensign
Eshoo
Evans
Everett
Ewing
Farr

Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Foley
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kim
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

ANSWERED ''PRESENT''—3

DeFazio
Jacobs
Sanders

NOT VOTING—11

Andrews
Bateman
Filner
Moakley
Payne (VA)
Reynolds
Thurman
Towns
Williams
Wilson
Young (AK)

□ 1951

Mr. SKELTON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, I regret, due to the fact that I was told at midnight on August 2 to expect no more recorded votes, that I left the floor of the House and did not vote on rollcall vote No. 617, on a motion to adjourn. Had I voted I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, I want to correct my vote on rollcall vote No. 614 from ''yea'' to ''nay.'' Let the RECORD reflect this clarification as my original intention.

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT NO. 64 OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. SKAGGS: Page 76, strike line 1 and all that follows through page 88, line 7.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Colorado [Mr. SKAGGS] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The gentleman from Oklahoma will be taking the time in opposition; is that correct?

Mt. ISTOOK. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, it is important as we start consideration of this amendment, to strike what is referred to as the Istook amendment out of this bill, that we understand what the amendment is and what it is not, that we attempt to separate myth from fact.

Let me make a generalization to begin with, which I intend to support with some specifics. The generalization is this: This proposal, now 13 pages buried in this appropriations bill, is an incredibly intrusive scheme designed to do one thing, and that is to control certain kinds of political activity in this country, activity that is clearly protected by the Constitution of the United States and the first amendment. It is designed to keep many Americans and their organizations from participating fully in the political life of this great and free land.

That may seem incredible to Members. How could we be running so directly into the teeth of the first amendment? So let me try to give some particulars.

The first question to be answered is who is covered under this legislative proposal. We need to look at the particulars. The devil is truly in the details here. A grant here is not just Federal money, it is a provision of anything of value. Any grantee who receives a grant is covered. And although there has been a lot of propaganda put out about this, individual persons, notwithstanding the amendment of the gentleman from Illinois [Mr. PORTER] at the beginning of the debate on this bill, will still be subject to five out of the eight very major restrictions that this legislation involves. All business and organizations, not just nonprofits, will be subject to these very restrictive provisions.

Those are the definitions. How do the definitions apply to reality? Here are some—I stress ''some''—of the individuals, businesses and organizations that are going to become subject to this political reporting and control regime:

People getting science research grants at your local college or university; pregnant women in your district getting Women, Infant and Children vouchers and early childhood care; after you may have a disaster, anybody getting FEMA disaster relief; meals on wheels; BUREC water; even day care subsidies.

What happens to these people? Controls on their privately funded political activity. They must handle their affairs according to generally accepted accounting principles; they are subject to Federal audits by the GAO and IG; subject to lawsuits by zealous citizens that want to take on the task of being a private attorney general; they must certify their political activity to the United States Government; and all of that gets collected in a Big Brother-like centralized computer in Washington, DC, that will keep track of the political communications and contributions in this country.

It is a stunningly chilling proposal that should scare the heck out of every single one of us.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the language which the gentleman from Colorado wishes to take out of this bill was placed there by an open and public vote after much debate by the Committee on Appropriations.

□ 2000

It also relates to hearings that have been held on three occasions in recent weeks by committees of this body.

Mr. Chairman, the reason is in the United States, taxpayers' money from the Federal Government, approximately $40 billion, with a B, each year goes to tens of thousands of organizations; not for a contract, not for services rendered or an exchange of goods for cash, but as grants, as gifts from the Federal Government to promote certain purposes.

Mr. Chairman, the difficulty is these groups are heavily engaged in lobbying activity and political advocacy in trying to advance a political agenda. The

language which the gentleman seeks to take out says basically two things: Those who receive these gifts of taxpayers' dollars, first, cannot use any of the taxpayers' money for lobbying; and, second, if they want these handouts from the Federal Government, then they should not use any more than 5 percent of their other money for any type of lobbying activity.

That 5 percent parallels restrictions already placed on nonprofit organizations through the IRS code. They are not prohibited from activity. Their free speech rights are reserved, but no longer will taxpayers' money be used for welfare for lobbyists, Mr. Chairman.

Public money should not be used to try to promote bigger Government, bigger taxes, greater expenditures, and more feeding at the Federal trough. That is what the language seeks to do, which we desire to preserve by defeating the Skaggs amendment.

Mr. Chairman, organizations that are on the public dole should not claim it as free speech. It is taxpayer subsidized speech.

Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Skaggs amendment. The Istook language to restrict nonprofit organizations and companies from using their own private funs for political advocacy is the most far reaching, radical approach to silencing the opposition that I have ever witnessed as a Member of this institution. This language is simply not necessary; current law already prohibits the use of any Federal funds for lobbying. If there is concerns about enforcement, then lets deal with that.

I have several concerns regarding the Istook provisions. Perhaps the most pertinent would be the fact that this new mandate is being pushed through the House with little or no discussion. An appropriations bill is clearly not the vehicle for authorizing this type of assault on the Bill of Rights. I find it interesting that the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Government Reform and Oversight has held two hearings on this language after it was adopted in the Appropriations Committee. Hearings are held to allow the public to comment and present testimony on pending legislative action. What has been done in this situation is that the Republicans have reached a conclusion and are now misusing the hearing process to build their case. It would be like a jury deciding the innocence or guilt of the defendant prior to the trial and then conducting the trial, picking witnesses based on their predetermined verdict.

I urge the adoption of the Skaggs amendment. In any case, I am sure the courts would find this all unconstitutional if it should pass, but we should not allow this assault on the first amendment rights of groups like the March of Dimes, Mothers Against Drunk Driving, and veterans organizations. These groups should not have a grand new bureaucracy imposed upon them.

Mr. ISTOOK. Mr. Chairman, we will later have the Chairman of the Committee on the Judiciary to address the constitutional issue.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, this is a glorious day. We are revealing Washington's best-kept secret: welfare for lobbyists.

This is an amendment that exposes what has been going on in this town for many, many years, where organizations from the left like Act-Up all the way to the U.S. Chamber of Commerce have taken Federal funds and have lobbied for more Federal funds.

It is a cycle, a continuous cycle that we have to break, and we hope to break it tonight. As the gentleman says, there is $40 billion in Federal grants each year that goes into lobbying and we are not limiting anyone. They can spend up to a million dollars. Is a million dollars not enough to lobby in this town? We are not closing anybody down, but what we are doing is we are breaking that chain that has controlled this town for so long.

This bill attacks the problem directly and indirectly. Money is fungible. If we give them Federal grants in one pocket they can take other moneys to lobby with. Stop welfare for lobbyists. Vote ''no'' on the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, when I came to the House as a freshman many, many years ago, Speaker Sam Rayburn spoke to the freshman class and said that the floor of the House is great theater. He said, ''Don't take the floor unless you know what you are talking about.''

We have tried to obtain answers from the gentleman from Oklahoma [Mr. ISTOOK]. We have tried to obtain answers on definitions. Nothing has greeted us except distortion and misrepresentation. He speaks as though this were a bill directed against lobbyists.

Take a look at what the definitions are. The definitions themselves show that it is not only the average lobbyist. This is what it says is covered: carrying on propaganda or otherwise attempting to influence legislation or agency action.

Anybody who writes his Congressman, any constituent of yours who writes his Congressman about one of the issues and who happens to have a Federal grant is subject to that definition.

Mr. ISTOOK. Mr. Chairman, there is an exemption for individuals.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in opposition to the Skaggs amendment which is really an effort to remove the language that ends Government subsidies for advocacy groups.

In 1990, more than 40,000 organizations from all across the political spectrum received a total of $39 billion—yes, billion—in Government grants. Many of these groups turn around and aggressively lobby Congress on behalf of their own special interests. It is a vicious circle, and the taxpayer loses.

Mr. Chairman, we are talking about giving taxpayer dollars to advocacy groups so that they can use those taxpayer dollars to hire people to lobby for more taxpayer dollars.

A couple of months ago, my parents received a direct mail scare piece from one of these Federal grant recipient groups alleging—falsely—that I, as a Member of Congress, was going to wipe out my parents' retirement plans by blindly cutting their Medicare benefits.

My father, age 84, called my congressional office here in Washington, DC, wanting to know if it were true the Republicans wanted to ruin his retirement by slashing his Medicare coverage.

Mr. Chairman, this is a flat-out lie. There are no plans to cut Medicare, only hopes to save it. Yet this particular organization that sent my parents the mailing receives $86 million of taxpayer funds each year to help pay for its scare-tactic lobbying. This is outrageous, and a huge conflict of interest and should be ended.

Mr. Chairman, the taxpayers are buried in debt. We do not need to add insult to injury by taking their money to give it to groups which often exist largely to lobby for more money from the taxpayer.

This is not a question of whether or not we support the various groups that receive these taxpayer dollars, it is a question of whether special interests should be allowed to use those taxpayer dollars to advance their agendas.

Side with the taxpayers, support this provision, and reject this amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois [Mrs. COLLINS], the distinguished ranking member of the Committee on Government Reform and Oversight.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment of the gentleman from Colorado.

The gentleman's amendment would strike title VI of the bill about which I have great concerns.

Over 400 different groups have opposed the restrictions on political advocacy contained in title VI of the bill. These groups include the Red Cross, the American Cancer Society, the Boy Scouts, the Girl Scouts, the YMCA, the YWCA, and many others.

Title VI contains severe, new restrictions on the amount a small charitable organization can spend on political advocacy. Title VI also limits for the first time the amount that certain public interest groups can spend on political advocacy. It also imposes burdensome new reporting and accounting requirements on all Federal grantees.

Mr. Chairman, I thought the new Republican majority was all about lifting government regulation from the American people; but, the restrictions on political advocacy in this bill do just the opposite. Title VI of this bill tells everyone from the YMCA to the Association of Retarded Citizens how much of their own money they can spend on political advocacy.

These restrictions are so broad that universities and colleges would have to report and account annually for the political activities of its trustees, its faculty, and its students. The Red Cross would have to require all of its volunteers to fill out political advocacy statements and to account for their political activities. In addition, all those receiving Federal grants would have the burden of proving that they have not spent more than 5 percent of their own money on political advocacy in any one of the last 5 years.

Clearly, these provisions impose new regulatory burdens; they do not lift existing ones. I can only conclude, therefore, that the proponents of this provision are not interested in lifting government regulation for everyone.

If we look at the way title VI works, we get an idea of who the proponents want to regulate, and who they do not. For example, big companies and big charities that receive Federal grants will not be affected by the spending limitations in title VI. Their overall budgets are so large that they would never spend as much on advocacy as the bill permits.

Furthermore, these new restrictions discriminate against smaller, non-profit groups which would be allowed to spend only a quarter as much of their own funds on political advocacy as larger non-profits. In addition, these limitations would only apply to Federal grantees, while defense and other government contractors would be able to engage freely and without limitation in the same political activities.

Question: Why should the YMCA be subject to severe, new limitations in asking Congress to allow it to continue providing after-school services, but General Dynamics be completely free to lobby all it wants for a new purchase of fighter planes? Does this sound fair?

The proponents like to say these new restrictions are needed because money is fungible. They say that even if grant funds cannot be used for lobbying, it frees up other money that can.

If the argument is that money is fungible, then the restrictions the proponents want to put on grantees should also be put on defense and other contractors. Federal dollars that go to firms in the form of contracts are every bit as fungible as Federal dollars that go to charities and other entities in the form of grants.

Proponents also like to say they simply do not believe that the taxpayer should have to subsidize the political activities of those who received Federal grants. Who does?

Lobbying with Federal grant money has been prohibited since 1919.

The only new policy in this proposal, is the restriction on political advocacy that an organization pays for with its own, privately generated money.

Title VI provides a very sweeping definition of political advocacy. It includes everything from contacts with a local water and sewer agency, to contacts with federal agencies, the Congress, as well as litigation before the courts.

Political advocacy is also defined to include, and I quote, carrying on propaganda. Who is supposed to decide what propaganda is—the bill gives us no clue at all.

It is clear, Mr. Chairman, that if this provision is enacted, every Federal agency will potentially be able to decide for itself what propaganda is. These agencies compile reports on the political activities of its grant recipients, and the result will be nothing less than a national data base on political advocacy.

I think that is a result that can serve no useful purpose. It could, however, restrain and inhibit freedom of political debate like nothing we have seen since the 1950's.

In fact, David Cole, a constitutional law professor at Georgetown University Law Center, said:

> The Istook bill is constitutionally flawed in numerous respects, most fundamentally because it restricts the rights of all federal grantees to use their own money to engage in core First Amendment protected activities, including public debate on issues of public concern, communication with elected representatives, and litigation against the government.

Mr. Chairman, I urge my colleagues, as strongly as I possibly can, to vote for the gentleman's amendment, so that title VI may be stricken from the bill.

Mr. ISTOOK. Mr. Chairman, of course, only groups which ask for and get Federal handouts are covered.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, if there is anything unjust, almost by definition, it is being coerced out of funds and having them spent on causes one violently disagrees with. That is really at the heart and soul of having funds that one must pay to get into a school or to be a student in good standing, and have those funds subsidizing causes that may violate their conscience or their sense of prudence or proportion. It is just the definition of injustice.

If a cause is worthy of its name, it will be supported. If you build it, they will come. But to coerce money for lobbying on things that you abhor is just wrong. I do not want public funding of elections, my money, to go to pay for Lyndon LaRouche's campaign, and I daresay the Members do not either.

If a charity deserves contributions they will get them, but do not have them coerced out of people who resist.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I find almost amusing the suggestion that this is somehow an antilobbying bill. As I walk down the halls coming over to the floor of the House, just like everyone else, I pass lobbyists, lots of lobbyists, but they are not lobbyists representing the homeless associations and nonprofit groups across the country. They are not lobbyists representing the nonprofit battered spouse shelters.

They are lobbyists from the defense contractors. They are lobbyists from the highway contractors. They are lobbyists from the space station contractors. We have written them out of this exclusion. We do not deal with them at all. That is where the lobbying is coming from.

I asked myself why in the world would we draw a distinction like that. Is there something about a space station lobbyist whose company makes their entire revenues from space station contracting that makes their advice on Federal legislation more valuable than coming from an advocate for a battered spouse who happens to donate her time helping victims of domestic violence? Why in the world would we draw a distinction like that? Shelters do not have a lot of PAC money. They do not support political action committees, but in fact the contractors do, the space station contractors do, the defense contractors do, the highway contractors do. That is why this mean-spirited amendment has been drawn to choke out the voices of those who cannot be heard and leaving unchecked the raw lobbying clout of some of the most mighty contractors in this country.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Chairman, I rise in strong opposition to the Skaggs amendment to strip the provision in this bill which once and for all puts an end to federally funded welfare for lobbyists.

☐ 2015

Now, it is an indication of just how difficult it is to bring this Federal deficit spending under control when we have to fight off an attempt from the same old crowd, the guardians of the old order who think it is absolutely essential to take our Federal tax dollars and pay people to come in here and lobby us. Aside from the outrageous use of taxpayers' dollars to keep lobbyists on the Federal trough, it is also used by Federal agencies as an escape hatch for the Hatch Act.

Let me give you an example. The National Fish and Wildlife Foundation, a

private, nonprofit foundation and organization, received $7.5 million in Government grants and then was asked by the Secretary of the Interior to lobby Congress on behalf of the National Biological Service. This is nonsensical. Shame to those who would continue this type of practice. It has to stop.

We can made the sea change now. ''No'' on Skaggs and ''yes'' on the end of welfare for lobbyists.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, I was talking to one of my constituents the other day, and he said, ''Randy, do I got this right? I work hard, I sent my tax dollars to Washington, DC, then they give it to groups to lobby against things I do not believe in.''

Let me give you an example. The American Bar Association received, what, $10 million last year, then staged a rally against the flag amendment.

They lobby for all kinds of things we do not believe in.

I have heard arguments across the aisle about free speech. How can it be free if the taxpayers have to pay for it. I have heard about that this somehow is Big Brother. Nothing could be more Big Brother than going into my wallet, taking my money, and then spending it for causes I do not believe in.

How can you look in the eyes of my taxpayers who already are paying enough and ask them to take a little bit more so we can send it back to Washington, DC, so they can lobby for causes I do not believe in? It is time that those lobbyists get out of laying sideways in the public trough and get back out into the trenches. It is time to end welfare for the lobbyists.

I urge your opposition.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Skaggs amendment to title VI.

This title is particularly hypocritical since some of the same Members who support this language are the ones who killed lobbying reform legislation last year. Why did they kill lobbying reform? Because they said it would have stifled grassroots lobbying efforts. But it is this language which will stifle grassroots lobbying and stifle free speech.

This language restricts the use of private funds for lobbying by individuals and organizations. This is an insidious assault on the freedoms of all Americans who choose to avail themselves of the political process.

This is clearly an attempt by Republicans to stifly the voice of the liberal-earthy-cunchy-labor-supporting-branola-eating individuals and organizations which devote themselves to making America a better place by utilizing their constitutionally mandated right to influence the political process.

The entire premise of this title is bizarre. There seems to be among conservative groups the misconception that nonprofit groups are using Federal dollars to lobby.

This is illegal. There are already laws on the book that prohibit the use of Federal dollars to lobby. In fact, if it is found that Federal moneys have been used to lobby, the group found in violation must return the money. They are then prohibited from applying for future grants, and there is a serious risk that criminal procedures will be brought against them.

I find it ironic that this language mandates stringent reporting requirements, when one of the goals of the restrictive Republican revolution has been to remove the Federal Government from the everyday lives of the American public. Requiring all Federal grantees to fill out lengthy reports is extraordinarily intrusive.

I am amazed that the Republican Party, who tried to end the school lunch program because ''the Governement should stay out of the business of feeding our children,'' is the same party that wants to force the American public to report their political activities. Senator McCarthy is dead, but his legacy clearly lives on.

The intent of this language is obvious. It is to send the message to labor-oriented persons, nonprofits, and grassroots organizations not to disagree with the conservatives. It tells those groups that they may participate in the democratic process only if they agree with the Republicans. Well, I for one will not support censorship. This is the United States of America, not Fidel Castro's Cuba. Support free speech by supporting the Skaggs amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds to point out what often seems to be forgotten. We are not talking about free speech. We are talking about people who expect the taxpayers to buy them a microphone or a broadcasting studio or a printing press. We are talking about groups that ask for and receive billions of dollars of taxpayers' money.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman, my colleague on the Committee on Appropriations, for his fine work in this area.

This is a tough fight, but I urge my colleagues to resist the Skaggs amendment and point out that we are going to hear a lot about first amendment rights being discussed out here on the floor this morning, this evening, soon to be morning.

Anyone that takes a careful look at this amendment knows the first amendment rights are not being infringed upon. There are plenty of advocacy groups out there across the land, by the way, nonprofit educational research institutes, who are sharing their insights with us elected policymakers without using the taxpayers' money. This is really one of those times when we have to, if you will pardon the expression, put up or shut up.

If we believe in lobbying reform in this body, the Istook, and others, amendment is a very fine place to start, and I urge my colleagues oppose the Skaggs amendment. Support the Istook language in the base bill reported out by the Committee on Appropriations.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, much of the debate on this bill, I am sad to say, has been full of sophistry and a little hypocrisy.

Remember the law says you cannot use Federal money to lobby, period, existing law. What this bill says, and remember, we have paid professional lobbyists all over this town. This bill does not affect them. We have companies represented by those paid professional lobbyists who get billions of dollars of Federal contracts. This bill does not affect them.

What this bill says is, to quote from yesterday's Chicago Tribune, if you are a nonprofit group and you get a grant to run a homeless shelter, shut up; if you are a for-profit group with a contract to run a homeless shelter, you are free to speak.

In short, this amendment stifles nonprofit service groups which get money from the Federal Government to carry out purposes that the Government decides are for a public purpose, just the same as Lockheed gets money from the Federal Government to carry out a program of defense development that Government decides is a public purpose.

But we tell the local group that is running a homeless shelter shut up, but Lockheed can spend billions on lobbyists.

This amendment stifles nonprofit service groups while continuing to allow defense contractors, agribusiness, professional paid lobbyists and a host of others who also receive billions of dollars of tax dollars in Federal money not to be gagged. Why do we not gag these lobbyists, too? Because it is not in your ideological purpose to do so.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. EHRLICH], one of the coauthors of this amendment which is now under scrutiny.

Mr. EHRLICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, enough of the demagoguery, enough of the spin.

I want to talk about some facts. Fact No. 1, I rise to speak for the unrepresented here, which is the American taxpayer, the folks not outside that door lobbying this Congress.

Second, with respect to the scare tactics employed by the other side on this issue, if you read the bill, if you look at the facts, the facts are as follows: This bill does not cover recipients of entitlements. This bill does not cover

individuals. This bill does not cover recipients of school loans. This bill does not cover the courts. This bill does not cover State government. This bill does not cover educational loans. They are the facts. Read the bill.

Third, Mr. Chairman, the definition of a grantee and the definition of a Federal contractor, there is a clear distinction in the law. This, Mr. Chairman, this is the law, and these are the regulations with respect to laws governing Federal contractors.

We do not have law with respect to Federal grantees. That is what this bill is about. That is what this initiative is about.

Fourth, for some reason, Mr. Chairman, over the course of the last 30 years there has grown a distinction between nonprofits who perform advocacy and perform service. This whole initiative is to get nonprofits back to actually doing what the taxpayers expect them to do, perform the service. Do not lobby the Congress for additional money and then keep coming back time after time after time. Do what you are supposed to do, do the right thing.

Mr. Chairman, lastly, what this whole initiative is about, and I congratulate my cosponsors of the amendment, is to empower the American taxpayer. It is true lobbying reform. It is why we were sent to this Congress.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr CARDIN].

Mr. CARDIN. Mr. Chairman, let us be truthful with our constituents as to what the circumstances are. You cannot use taxpayer money, Federal funds, to lobby. That has been the law. That is currently the law. Grantees cannot use Federal funds to lobby.

What this bill does is punitive against certain groups on their rights to petition their Government: the Cancer Society in dealing with health care issues, special education groups from dealing with the needs of children, the NAACP in dealing with civil rights matters. These are groups that are impacted by this bill.

We are right, the defense contractors who receive the largest amount of Federal funds are free to use their funds to lobby Government. Why should not private groups be able to use their own funds to lobby Government? That is their right. They should be able to do it.

Let us not be hypocritical and say some groups are subject to these rules and others are not.

Vote for the Skaggs amendment.

Mr. Chairman, I rise in strong support of the Skaggs amendment. The Istook rider restricts citizens from exercising their first amendment right to petition the Government. The first amendment to our U.S. Constitution states:

> Congress shall make no law * * * abridging the right of the people * * * to petition the Government for a redress of grievances.

Presently, there are adequate laws which guarantees that Federal dollars are not used for lobbying. Therefore, this rider is telling the citizens of the United States that they cannot use their own, non-Federal dollars as they so choose.

In addition, the Istook rider is unjust. It applies to the most vulnerable in our society, the poor, the homeless, the elderly, the disabled. Many of these groups were, in fact, founded specifically to advocate on behalf of the disposed. However, the largest recipient of Federal money, Defense contractors, are not covered by this rider. Therefore, the American Red Cross could be barred from advocating for disaster relief, or the National Cancer Society could be barred from advocating for health, but Defense contractors will be free to lobby without limitation.

Furthermore, this rider defines public advocacy to include public interest litigation, in which groups advocate change in public policy. Think of the civil rights suits which may not be brought because they are deemed political advocacy. For example, the NAACP receives Federal grants as defined by the rider. Most recently, the NAACP received a grant to participate in an education campaign on fair housing. However, the NAACP also argued Brown versus Board of Education before the Supreme Court, which changed our Nation's policy regarding school segregation.

Mr. Chairman, the Istook rider is unconstitutional, unjust, and restricts important public advocacy. I urge my colleagues to vote ''yes'' on the Skaggs amendment.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the other principal coauthor of this measure, who has had hearings in the subcommittee.

Mr. MCINTOSH. Mr. Chairman, we have an opportunity to root out one of Washington's best kept little secrets: welfare for lobbyists. This bill will guarantee that Americans' taxpayer dollars do not go to fund lobbying here in Washington.

My subcommittee held 3 days of hearings. We found that the Federal Government pays out $40 billion in grants to subsidize rich, multimillion-dollar outfits. We also heard from real charities who are striving to help real people.

I want to share with my colleagues and the American people about one such person whose story deeply, deeply moved us. Mrs. Hannah Hawkins, who is pictured here, is a retired welfare pensioner from the inner city. She did not seek welfare for lobbyists. Instead, Mrs. Hawkins donated her own pension money to set up a program to help poor inner-city kids. She opened up her own home so kids could have a place to go after school rather than joining a gang, doing drugs or ruining their lives. Mrs. Hawkins is a hero in her neighborhood.

There are thousands of heroes like Mrs. Hawkins who work to help the elderly, the poor, the disabled and our children in the inner cities and the rural communities throughout America. Many do the work silently and outside the lights of television cameras, that keep their communities knit together.

But some groups are using a large percentage of their funds, much of it from taxpayer funds, in order to play politics rather than help real people. They started down the road of much special interest politics, becoming high-powered lobbyists, and they have become intoxicated on the power brought by the welfare for lobbyists. They have forgotten Mrs. Hawkins and her kids. She does not need a lobbyist. She does not need Federal money. She needs people in her community who are willing to give their love, to reach out and care for their neighbors.

The choice for us today is clear. Are we going to be on the side of the well-heeled, fat, rich lobbying organizations, or are we going to be on the side of Mrs. Hawkins and her kids and thousands and thousands of people like here in America? Those of us on the side of the American taxpayer and Mrs. Hawkins and her kids say it is time to end welfare for lobbyists.

I say vote ''no'' on the Skaggs amendment. Put a stop to welfare for lobbyists.

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Chairman, I rise in strong support of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO].

(Mr. SABO asked and was given permissions to revise and extend his remarks.)

Mr. SABO. Mr. Chairman, I rise in strong support of the Skaggs amendment.

Mr. Chairman, I rise to express my strong support for the Skaggs amendment to strike title VI from H.R. 2127, and put an end to efforts to prohibit political advocacy by organizations that receive Federal grants.

Today we are considering fiscal year 1996 appropriations for the Departments of Labor, Health and Human Services, and Education. It is largely through the funding cuts in this legislation that the new Republican leadership hopes to balance the budget by the year 2002 while simultaneously increasing defense spending and cutting taxes for wealthy individuals and corporations. This legislation tells American workers and students, the children and the elderly, the middle class and the disadvantaged to absorb painful budget cuts so that the very wealthiest can prosper further still. This objective is at the core of the Republicans' fiscal agenda.

Equally disturbing, however, is the fact that this Republican bill reaches far beyond domestic budgeting matters. It actually attempts to regulate the participation of some organizations in the political process by curbing their ability to engage in political advocacy.

Provisions in title VI—adopted as the Istook amendment—would effectively suppress the political voices of certain organizations by severely restricting advocacy by those receiving Federal grants. Current law already bans the use of public funds for political advocacy. However, these provisions extend the prohibition far beyond the reach of Federal dollars.

Federal grantees would be forbidden to use more than 5 percent of their own private funds to engage in political advocacy.

A very select group of organizations would be impacted by these prohibitions. In an unjustifiable break with current laws, the political activities of Federal grantees alone are singled out while Federal contractors are left alone. Additionally, the provisions is drafted so that it will impose greater burdens on grantees that operate on a shoe-string budget than those who are well-funded.

Federal grantees would be permitted to use up to 5 percent of their budget for political advocacy, or up to 1 percent if their annual budget exceeds $20 million. Therefore, a corporate grantee with a $100 million budget would still be permitted to spend $1 million for political advocacy. It is unlikely that such a large sum would force the company to alter their lobbying budget significantly from its levels under current law. However, a nonprofit organization with a $100,000 budget could confront considerable difficulties with a $5,000 ceiling imposed on its political advocacy.

Consequently, corporate and business entities which receive Federal grants and contracts would not be forced to change the way they do business. Small nonprofit organizations would. I believe these provisions were drafted in order to silence particular voices. It is no coincidence that those nonprofits which oppose the Republicans' fiscal and social agendas are the organizations impacted by this proposal.

In order to uncover the true intent of this provision. I offered an amendment to the Istook amendment when the Appropriations Committee considered the Labor, Health and Human Services bill. My amendment would have extended the same prohibitions to the beneficiaries of Federal contracts and loans. If the intent of the original amendment was to safeguard taxpayer dollars, then proponents should have viewed my amendment as an improvement. If, however, the intent of the original amendment was to curb a certain type of political advocacy, then my amendment would have been regarded as an unacceptable obstruction to that goal. My amendment failed in an 18–29 vote, and the Istook amendment was adopted.

Is this what the American people want? I don't believe citizens want to bias the political debate in this country by silencing university researchers and children's advocates, while extending open arms and deep pockets to legions of corporate lobbyists.

We are fortunate that those who drafted this proposal were unavailable to assist in drafting the Bill of Rights. Title IV engages in blatant first amendment infringement. It seeks to prohibit free speech in public policy making. It is shameful that such a deliberate attempt to silence particular points of view has worked its way through the legislative process to confront us here on the floor of the House of Representatives. I urge my colleagues to put an end to this. Vote in favor of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Skaggs amendment.

This title VI is the most frightening piece of legislation that I have read since coming to the Congress. It is not only unconstitutional but it is a blatant attempt to stifle and control the expression of ordinary citizens who just happen to belong to an organization that may have received a grant from the Federal Government. Its reach is broad and extensive. It tells you that if you want to qualify for a Federal grant, you have to be sure that the people that you buy goods and services from have not ever been in a position of asking the Congress to support or defeat any legislation.

I cannot think of anything more stunning than this complete denial of what we are all about. We are here as Members of a democratic, representative Government that seeks to encourage people to contact us.

Vote for the Skaggs amendment.

Mr. Chairman, I am alarmed by the inclusion in this Appropriations bill of 13 pages which strip away individual rights guaranteed to each and every one of us to petition our Government for any reason whatsoever. Title VI of this bill states that you can't get any Federal funds if you participate in political advocacy.

This bill if passed would prohibit any person who received a Federal grant under any law, not just this act, from speaking out on any matter relating to laws whether, State, Federal or local. The prohibition against ''political advocacy'' which includes attempts to influence legislation or agency action explicitly prohibits communication with legislators and their staffs. The definition of ''grantee'' includes the entire membership of the organization who are explicitly prohibited from communicating with legislators or urging others to do so.

This bill disqualifies anyone from receiving a Federal grant if for 5 previous years it used funds in excess of the allowed threshold.

Further anyone receiving Federal grant money cannot spend it on the purchase of goods and services from anyone who in the previous year spent money on political advocacy in excess of the allowed limit.

Political activity is defined as including publishing and distributing statements in any political campaign, or any judicial litigation in which Federal, State, or local governments are parties, or contributing funds to any organization whose expenses in political advocacy exceeded 15 percent of its total expenditures.

This title of the bill is totally and completely unconstitutional. It is a blatant unlawful effort to stifle dissent and advocacy. It is contrary to basic principles of our democracy. It is a gag law. It must be defeated.

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Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

(Mr. GUTKNECHT asked and was given permission to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman for yielding me this time.

Mr. Chairman, I would like to quote Thomas Jefferson. We heard a lot about the first amendment tonight and let us just hear from the gentleman who actually wrote the first amendment.

He said:

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

It is sinful and tyrannical. That really is what is at stake tonight, Mr. Chairman and Members.

One example we heard in committee, a group that lobbies on the Hill and, incidentally, has a very large PAC, last year, they got 96 percent of their funds from the taxpayers. And guess what? They turn right around and come back and ask for more money from the taxpayers. To ask the taxpayers to continue to fund this kind of abuse is wrong.

But let us really talk about what is so perverse here.

I would like to thank Arianna Huffington. She not only testified but wrote a guest op-ed piece earlier. She said, what is happening in America today is many of these nonprofit groups are not helping people who need help. They think it is their mission to get the government to help them. And we should stop it.

Please vote ''no'' on this amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I will tell you what is perverse. It is the gentlemen on this side trying to equate the fat-cat lobbyists sitting in their offices and the office of the gentleman from Texas [Mr. DELAY] and office of the gentleman from Ohio [Mr. BOEHNER] writing the regulatory reform act and gutting the Clean Water Act and to equate that with people in the Red Cross and equating that with people who are helping citizens who are dying of cancer and helping hospices and helping our kids stay drug free.

The gentleman did not think they were on the dole when the Mississippi River overflowed its banks and you wanted the Red Cross' help. They did not think they were on the dole when the hurricane came through Florida last night and you wanted their help. But you think they are on the dole if they want to comment on emergency regulations or FEMA, if they want to comment and tell us how to do it better.

You do not think they are on the dole when they run a hospice and a member of your family is dying of cancer, but if they want to comment on a regulatory action you think they are on the dole. That is perverse.

That is what is perverse. Because the fat-cat lobbyists are not these people. The fat-cat lobbyists are sitting in your office and they are contributing to your campaigns and the Peace and Freedom whatever-it-is Foundation, Arianna Huffington, was started with staff money from the Speaker's Office, and the wallet you took out of your pockets was paid for by the taxpayers. That is perverse.

The gentleman from Texas [Mr. DELAY] says this is a glorious day.

Let me explain something to you.

Mr. EMERSON. Regular order.

Mr. MILLER of California. This is regular order with me when I get angry. Yes.

Mr. HAYWORTH. Regular order.

Mr. MILLER of California. It it a glorious day.

The CHAIRMAN. The Committee will be in order.

Mr. MILLER of California. It is a glorious day. If you are a fascist, it is a glorious day. That is what it is about.

Mr. EMERSON. Regular order.

Mr. MILLER of California. Come on, give me a prayer now. Talk to me now. Help me now. Give me a prayer. Let us go. It is tough out there, ladies and gentlemen. It is hard down there.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has an obligation to the Rules of the House.

Mr. MILLER of California. I do.

The CHAIRMAN. The gentleman has an obligation to the Rules of the House. The gentleman is out of order.

Mr. MILLER of California. Yes, and so is this law out of order.

The CHAIRMAN. The gentleman will be in order.

Mr. MILLER of California. The gentleman is in order.

The CHAIRMAN. The gentleman is not in order. The gentleman should take his seat.

Mr. MILLER of California. No, I prefer to stand.

The CHAIRMAN. The gentleman embarrasses himself and the House when he carries on in the manner that he just did.

Mr. MILLER of California. The gentleman did not embarrass himself.

The CHAIRMAN. The gentleman did embarrass himself.

Mr. MILLER of California. Do not speak for me. Do not speak for me.

The CHAIRMAN. The Chair, regardless of all Members, will maintain regular order. Regular order is being observed.

Mr. MILLER of California. That is right.

The CHAIRMAN. The Chair requires of all Members that they obey the Rules of the House.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry.

The CHAIRMAN. The time is controlled. To whom does anyone wish to yield time?

Mr. DURBIN. Parliamentary inquiry.

The CHAIRMAN. The time is controlled, and the gentleman has to be yielded to for a parliamentary inquiry.

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized.

Mr. DURBIN. Mr. Chairman, under what rule of the House can the Chair make an editorial comment about a Member speaking on the floor?

The CHAIRMAN. The Chair was attempting to bring order to the House and was pointing out to the Members that they had a responsibility to the Rules of the House.

Mr. DURBIN. The Chair has violated the rules himself.

The CHAIRMAN. The Chair has not violated the rules. The Chair is completely within his bounds to try to maintain order in the House of Representatives, and all Members have an obligation to the Chair.

Mr. MILLER of California. The Chair was not in bounds to speak for the Member.

The CHAIRMAN. Who yields time?

Mr. ISTOOK. Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I would inquire whether the extra time consumed by the last speaker would not be charged against the time of the other side?

The CHAIRMAN. Since the gentleman was out of order, the Chair is not going to take the time out of the gentleman from Colorado. That would not be fair to the gentleman from Colorado.

Mr. ISTOOK. Certainly we would not wish to visit that upon the gentleman from Colorado.

The CHAIRMAN. But the gentleman from Oklahoma is free to yield time.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Chairman, it is truly sad when we see a display as the one we just saw. It is regrettable that the proponents of this amendment do not want to deal in fact.

In point of fact, we are told the amendment does not apply to lobbyists. This town is knee deep in lobbyists for organizations that get grants and then turn around and use substantial portions of their money to oppose or influence legislation.

Here in fact is the list of those organizations which get grants, and grants are gifts of taxpayers' money. Those grants, last year they got $163 million in gifts of taxpayers' money that we voted to give them, and they turned around and used their monies to lobby us.

No one told you what the bill said. No one said?

What it says is any one of those organizations can come and lobby. We have heard a dozen times from the other side that they cannot come and lobby. Every single one of those times we were being told an untruth. In point of fact, each of those organizations can come forward and spend up to 5 percent of their budget to lobby us, but let us talk about one.

The National Council of Senior Citizens got $72 million last year, and they spent 95 percent of that money to lobby.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I strongly support the Skaggs amendment. Let me tell my colleagues the package we see on the floor is one of the most chilling pieces of legislation possibly in this century, and it is nothing less than a conspiracy to silence those who have politically and ideologically different views than the Republican majority.

Because if that was not the case, then in fact what would happen is they would have included those who make a profit from the Federal Government and use that profit to come back and lobby the Federal Government for more. They would have included all the nonprofit organizations that support them, the informational ones that tell how the Members voted and now they will be rated here. Yet they get contributions that are tax deductible, equally as fungible.

Even the gentleman from Oklahoma [Mr. ISTOOK] in his testimony said both tax exemptions and tax deductibility are a form of subsidy that is admitted through the tax system. Yet he excluded them from his piece of legislation which had to be included in an appropriations bill because it could not stand the daylight of scrutiny.

Mr. ISTOOK, Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 3 minutes and 45 seconds remaining, and the gentleman from Colorado [Mr. SKAGGS] has 4 minutes remaining.

Mr. ISTOOK. The gentleman from Colorado has the excess time remaining, is that correct?

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] has 4 minutes compared to the gentleman from Oklahoma [Mr. ISTOOK's] 3 minutes 45 seconds.

Mr. SKAGGS. If only we were so precise in the drafting of this proposal.

Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, the political advocacy provisions of this bill found in title VI are both dangerous and perilous prescriptions for disaster. It is the most shameful, the most chilling piece of legislation under the name of reform. And particularly it is shameful to come from the party who has said we want to get the government off of our backs. Particularly it is shameful to come from the party who says we do not want more regulation.

Who would be covered by this? Anybody who received Federal grants. Do we include the freedom of speech? Any college? Any nonprofit organization?

This is not about reform. This is not really subjecting the fat cats. This is really chilling because they want to silence the little voices, those who speak for the average person, those who speak for the little person should feel

they have no longer a voice in this democracy. Shame on you.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would like to share, since Members have mentioned the U.S. Supreme Court and constitutional issues, in 1983 the U.S. Supreme Court wrote, legislature's decision not to subsidize the exercise of a right does not infringe on that right. Congress has the authority to determine if the advantage the public receives is worth the money it pays to subsidize it.

Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

(Mr. DICKEY asked and was given permission to revise and extend his remarks.)

Mr. DICKEY. Mr. Chairman, the question is power. Power is flowing from over there, away from over there, and that is why we have such a tremendous reaction. All we are saying is we do not want the power players who respond and support you as candidates. We want to stop that, because the American people do not want that to happen.

We understand that we could wait, and this thing would flow, and we would get the same support that you all would get, but it is corruption when we do it with Federal dollars. It is corruption, and we do not want it.

Mr. SKAGGS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this frightening language in the appropriations bill and in support of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, let me tell you something. You better be careful of the Istook amendment. You think it is going to be good for you. It is going to be poisonous.

First of all, it is drafted very poorly. It does not define anything. An elementary drafting person could do a better job, because you would know what he meant.

You do not know what grant means. You do not know what contract means. Nothing in this thing says so.

Another thing you are not looking at. This bill keeps the grantee from using his or her own private funds.

I get letters every day. I had a letter from a farmer in my district, and I want to say to the gentleman from Oklahoma [Mr. ISTOOK], do not mess with my farmers. They will write me a letter and in that letter they use their own funds to write me.

If this amendment were to pass, this would be a form that would be wrong under the Istook bill. So you be careful. How would you treat them differently? Suppose right now we spend a lot of money here allowing the big companies to come in and talk to us?

My friend, chairperson of the committee, showed I am showing a very big firm that lobbies me. They spent this amount of money to lobby. Is this fair?

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN].

(Mr. DURBIN asked and was given permission to revise and extend his remarks.)

Mr. DURBIN. Mr. Chairman, I rise in support of the Skaggs amendment and opposed to the Istook language.

Why do the Gingrich Republicans fear free speech?

Six screwballs burned the American flag last year and these so-called conservatives want to amend the Bill of Rights for the first 5 in over 200 years.

Garrison Keillor needles them on public radio and these rightwingers run to eliminate public broadcasting.

And now this Istook proposal to muzzle political rhetoric for organizations he finds objectionable.

But these conservatives know full well that after all these voices are silenced their special interest friends, their big business buddies, will still be politically articulate.

Big business will have a bigger voice and the average American will lower their voice to conservatives supposedly committed to strict construction of the Constitution.

Mr. SKAGGS. Mr. Chairman, I yield a half minute to the gentleman from Wisconsin [Mr. OBEY], our distinguished ranking member on the full committee.

□ 2045

Mr. OBEY. This has nothing to do with the majority party's desire to curb lobbyists. It has everything to do with the desire to stifle expression on the part of the new authoritarians who control this House. Their amendment does not apply to corporate lobbyists who can do full page ads telling us every day to spend $50, $60, $70 billion of taxpayers' money on airplanes we do not need while we are trying to starve our own folks. We should be ashamed of ourselves. This amendment is an absolute joke and it is a disgrace to the Congress.

Mr. ISTOOK. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. ISTOOK] for yielding me time.

Colleagues, the 1994 elections were about change, but it is clear from the discussion in this Chamber tonight that the old habits die hard. We came here to change government, and despite the rhetoric we have heard this evening from the other side, the existing language in the appropriation bill does not affect the Red Cross, it does not affect the YMCA, it does not affect the churches and other genuine charitable organizations. They are not affected. They do not spend 5 percent of their time lobbying the Federal Government doing inside activities. They are genuine charitable organizations.

Mr. Chairman, for those who are tired of business as usual, of having tax dollars go to special interest groups who come back here and try to funnel back that money to the group giving them money in the first place, this is our time, this is our moment. Let us defeat this amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2 minutes 15 seconds remaining, the gentleman from Colorado [Mr. SKAGGS] has 1½ minutes remaining, and the gentleman from Oklahoma [Mr. ISTOOK] has the right to close.

Mr. SKAGGS. Mr. Chairman, I yield myself my remaining time.

Indeed, Mr. Chairman, the American Red Cross would be affected, and there is no better example of the perverse application of this very ill-conceived idea than that. They have written to all of us saying that they fear the consequences of this amendment and how it would impede the effective carrying out of their very important mission.

This does not just affect organizations spending 5 percent of their own private funds, it affects them if they spend one dime on political activity. Every one will have to come in and go through the rigmarole of reporting and participating in the incredible proposition of a national political database, maintained by the Federal Government. The Founding Fathers must be revolted at the very concept.

Mr. Chairman, if we want such a big brother operation, with a Washington, DC computer keeping track of political activity in this country, vote against this amendment. If we believe in the land of the free, in which we should welcome the full-voiced participation in the political debate of this country by every American without fear of intimidation, vote yes for this amendment.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman for Wisconsin [Mr. ROTH].

(Mr. ROTH asked and was given permission to revise and extend his remarks.)

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding and I am strongly opposed to this amendment.

First, let me congratulate the gentleman from Oklahoma for drafting this provision, and the Appropriations Committee for including this in the bill.

Here's the bottom line. If the Skaggs amendment passes, taxpayer funds will keep on flowing to lobbyists, pressure groups, and other special interests.

The American people voted last fall for change. One change that every taxpayer deserves is to keep his tax dollars out of the lobbyist's pockets.

If anything, the bill does not go far enough. I think this should apply to Federal agencies as well.

When we were working on reform of our bloated foreign aid bureaucracy. We caught AID red-handed, trying to block our bill.

So I view this title as just a first step.

Let's defeat the Skaggs amendment, let's pass this ban on taxpayer funds for lobbyists, and then let's take the next step and shut down the lobbying at the Federal agencies, who are working overtime to block the people's agenda.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WICKER].

(Mr. WICKER asked and was given permission to revise and extend his remarks.)

Mr. WICKER. Mr. Chairman, I rise in strong opposition to the Skaggs amendment.

Mr. Chairman, I rise to support the McIntosh-Istook-Ehrlich provision in H.R. 2127, the Labor, Health and Human Services and Education Appropriations Act for fiscal year 1996, and to oppose the Skaggs amendment to strike.

As a member of the Appropriations Committee who serves on the Labor, HHS and Education Subcommittee, I was pleased to support the inclusion of this important amendment when Mr. ISTOOK offered it at the full committee markup. The Appropriations Committee debated this measure fully and sent it on to the full House following a recorded vote of 28 to 20.

Mr. Speaker, the McIntosh-Istook-Ehrlich amendment provides that any nonprofit or charity which receives Federal grants certify at year's end that it has not spent more than 5 percent of its entire budget on political advocacy or lobbying. The Office of Management and Budget is directed to produce a single form which will be acceptable for all grantees to submit to the General Accounting Office [GAO] and to the grant making agency or department once a year.

There is no reason for any charity to spend a large percentage of its annual budget on lobbying if the charity receives Federal taxpayer funding in the form of grants. I urge you to oppose the Skaggs amendment, and support the retention of the McIntosh-Istook-Ehrlich language in this Labor, HHS appropriations bill before us today.

Mr. ISTOOK. Mr. Chairman, I yield the remainder of the time to the majority leader, the gentleman from the lone star State of Texas [Mr. ARMEY].

The CHAIRMAN. The gentleman from Texas is recognized for 2 minutes and 15 seconds.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to thank the gentleman from Oklahoma [Mr. ISTOOK], the gentleman from Indiana [Mr. MCINTOSH], and the gentleman from Maryland [Mr. EHRLICH] for the offering of this important legislation.

This is good legislation, well drafted, well thought out, carefully balanced. It represents the best work of the best legal minds on this subject, and if we pass it today it will be a great day for the taxpayers of this country. If this language is about anything, it is about cleaning up the way this House works and the way this city works. The first step in cleaning up Washington must be to end the practice of special interests using taxpayers' dollars to lobby for still more taxpayers' dollars.

Mr. Chairman, we are not breaking new ground here, we are building on existing law; and, indeed, the existing law was originally crafted by the senior Senator from West Virginia. However broadly Senator BYRD's views differ from my own, he and I share this: We share a determination to keep the spending process honest. We both believe the practice of federally subsidizing a solicitation of further Federal subsidies is wrong.

Ladies and gentlemen, any idea on which ROBERT BYRD and DICK ARMEY agree on must surely qualify as a self-evident truth. In 1990, Senator BYRD added an amendment to the Interior appropriations bill designed to end taxpayer finance advocacy. It was a small step, and not a wholly successful one, but it was a step. So today we come to build on that step. Our friends on the other side of the aisle should join us in this effort, not oppose it.

This legislation does not just save the taxpayers potentially billions of dollars, it also sends a powerful message to the special interests who occupy so much office space in this city. The bill says something I think the American people would regard as common sense: Government should assist the needy, not those whose business it is to lobby the government in the name of the needy.

Mr. Chairman, despite what some of our opponents have said, let us remember that this language is content neutral. It applies equally to the left and to the right. It hits both the U.S. Chamber of Commerce and Greenpeace. We are not favoring any special interest, we are imposing openness and honesty on all special interests in order to benefit the public interest.

This debate is about reform. It is about making this government honest so that the American people might again be able to trust their Government. I urge my colleagues to oppose the amendment from the gentleman from Colorado [Mr. SKAGGS] and support the Istook-McIntosh rider and end welfare for lobbyists. Let us tell those who would advocate for more money for themselves with the public's money, do it on your own time and your own dime. Vote ''no'' for the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 16, as follows:

[Roll No. 622]

AYES—187

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
LaHood
Lantos
LaTourette
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock

Hansen	McIntosh	Seastrand
Hastert	McKeon	Sensenbrenner
Hastings (WA)	Metcalf	Shadegg
Hayes	Meyers	Shaw
Hayworth	Mica	Shuster
Hefley	Miller (FL)	Sisisky
Heineman	Molinari	Skeen
Herger	Montgomery	Smith (MI)
Hilleary	Moorhead	Smith (NJ)
Hobson	Myers	Smith (TX)
Hoekstra	Myrick	Smith (WA)
Hoke	Nethercutt	Solomon
Hostettler	Neumann	Souder
Hunter	Ney	Spence
Hutchinson	Norwood	Stearns
Hyde	Nussle	Stenholm
Inglis	Ortiz	Stockman
Istook	Oxley	Stump
Johnson (CT)	Packard	Talent
Johnson, Sam	Parker	Tanner
Jones	Paxon	Tate
Kasich	Peterson (MN)	Tauzin
Kelly	Petri	Taylor (MS)
Kim	Pickett	Taylor (NC)
King	Pombo	Tejeda
Kingston	Porter	Thomas
Klug	Portman	Thornberry
Knollenberg	Pryce	Tiahrt
Kolbe	Quillen	Upton
Largent	Quinn	Vucanovich
Latham	Radanovich	Waldholtz
Laughlin	Ramstad	Walker
Lazio	Regula	Walsh
Lewis (CA)	Riggs	Wamp
Lewis (KY)	Roberts	Watts (OK)
Lightfoot	Rogers	Weldon (FL)
Linder	Rohrabacher	Weldon (PA)
Livingston	Ros-Lehtinen	Weller
LoBiondo	Roth	White
Longley	Roukema	Whitfield
Lucas	Royce	Wicker
Manzullo	Salmon	Wolf
Martini	Sanford	Young (FL)
McCollum	Saxton	Zeliff
McCrery	Scarborough	Zimmer
McHugh	Schaefer	
McInnis	Schiff	

NOT VOTING—16

Andrews	Holden	Towns
Bateman	Manton	Volkmer
Bereuter	McDade	Williams
Chenoweth	Moakley	Young (AK)
Dooley	Reynolds	
Filner	Thurman	

□ 2110

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mrs. Chenoweth against.

Mr. ZIMMER and Mr. WATTS of Oklahoma changed their vote from ''aye'' to ''no.''

Mr. BEVILL and Mr. SHAYS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2115

AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment on behalf of the gentleman from Virginia Mr. BATEMAN.

The Clerk read as follows:

Amendment offered by Mr. SAXTON: Page 88, after line 7, insert the following new title;

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available from the general fund for ''Centers for Disease Control and Prevention—Disease Control, Research, and Training'', reducing the amount made available for ''Administration for Children and Families—Refugee and Entrant Assistance'', and increasing the aggregate amount made available for ''Impact Aid'' (and the portion of such amount made available for basic support payments under section 8003(b)), by $10,000,000, $25,691,000, and $22,000,000, respectively.

Mr. SAXTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Pursuant to the order of August 2, 1995. The gentleman from New Jersey [Mr. SAXTON] will be recognized for 10 minutes in support of his amendment, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SEXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise for the purposes of offering this amendment, and to have a colloquy with the gentleman from Illinois [Mr. PORTER], the gentleman from Texas [Mr. ARMEY], the gentleman from Nebraska [Mr. CHRISTENSEN], and the gentleman from Texas [Mr. EDWARDS], and then I will ask that the amendment be withdrawn.

Mr. Chairman, the amendment which I have offered on behalf of the gentleman from Virginia [Mr. BATEMAN] is an amendment which the gentleman from Virginia has worked long and hard over the last months to bring about. Unfortunately, as we all know, the gentleman from Virginia is home recuperating today from an illness, so on behalf of the gentleman from Virginia [Mr. BATEMAN], I would like to enter into a colloquy with the distinguished subcommittee chairman, the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, the amendment that is pending, offered on behalf of the gentleman from Virginia, would transfer $22 million to impact aid, providing a total of $667 million for fiscal year 1996. The Labor-HHS-Education appropriations bill, when combined with the $35 million in the fiscal year 1996 DOD appropriations bill, would provide $702 million for impact aid, 96.4 percent of last year's level.

I would like to yield to the distinguished chairman to solicit his views on our goal of providing no less than 96 percent of last year's level, and possibly as much as 98 percent of last year's funding level, to impact aid for fiscal year 1996. The Labor-HHS-Education conference report, including $35 million of fiscal year 1996 DOD appropriations in the conference report, is what we are interested in.

I would like to ask the chairman of the subcommittee for his thoughts as to the outcome which he will seek through the conference and the conference report.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would assure both the gentleman from New Jersey [Mr. SAXTON], the gentleman from Virginia [Mr. BATEMAN], who cannot be with us, and the gentleman from Texas [Mr. EDWARDS], the cosponsor of the amendment, that I will make every effort to work to insist that the impact aid funding level provided in the fiscal year 1996 Labor-HHS and Education appropriations conference report, when combined with the $35 million in the DOD appropriations conference report, will equal no less than 96 percent of last year's funding level, a total of $728 million.

That would represent a provision of no less than $664 million for impact aid through this bill and the remainder in the DOD bill, and I am sure the gentleman recognizes that this is a subject in which I have a great personal interest, as well.

Mr. SAXTON. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, while I would have preferred that the $83 million in cuts in this bill to impact aid, which supports the education of military children, while I would wish those cuts had been zeroed out by tonight, I respect the commitment of the chairman, the gentleman from Illinois [Mr. PORTER], the gentleman from New Jersey [Mr. SAXTON], and the distinguished majority leader for saying that these cuts will be zeroed out or at least brought back to the point where impact aid funding this year will approach 96 to 98 percent of the previous fiscal year's funding level.

I would like to ask the distinguished chairman, the gentleman from Illinois [Mr. PORTER], and the distinguished majority leader a question, if I could; specifically, if for any reason in the defense appropriations conference committee bill, for any reason in the defense appropriations conference committee bill that $35 million we added back in the House is reduced or zeroed out, is it still the good faith commitment of the gentleman from Illinois [Mr. PORTER] and the gentleman from Texas [Mr. ARMEY] to see that impact aid children will receive 96 to 98 percent of the Federal 1995 funding level?

Mr. PORTER. If the gentleman from New Jersey [Mr. SAXTON] will continue to yield, I will tell the gentleman, I will do my best to see that it happens, yes.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I just want to thank the majority leader for helping with our military families. Education is very important, and in light of the fact that we are tightening the belt, I want to thank the subcommittee chairman for really going to bat for our military families and for their education.

I also want to thank my friend on the other side of the aisle, the gentleman

from Texas [Mr. EDWARDS] for all his hard work; he has worked arduously, worked hard, and worked with a strong belief. It has been a team effort, a bipartisan effort. I just want to also thank the gentleman from Virginia, [HERB BATEMAN] who is not here tonight, but we are committed on this, and we want to thank everybody for their hard work.

Mr. SAXTON. Mr. Chairman, I would like to thank the gentleman from Texas, the majority leader, for his cooperation throughout the day and over the past months on this issue.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I would like to assure the gentleman from New Jersey [Mr. SAXTON], the gentleman from Virginia [Mr. BATEMAN], who I am sure is tuned into this matter as he is recuperating at home, and the gentleman from Texas [Mr. EDWARDS], and I would also like to assure the gentleman from Nebraska [Mr. CHRISTENSEN], and I assume, I hope it will comply with the intent of the gentleman from Missouri [Mr. SKELTON], when I say that I support the proposal to provide no less than $664 million for impact aid in the fiscal year 1996 Labor-HHS-Education appropriations conference report, and no less than $35 million of the fiscal year 1996 DOD appropriations conference report. This represents a sum that is no less than 96 percent of last year's funding level.

It is my goal, working with all the members of the conference, to secure fiscal year 1996 funding of no less than 98 percent of last year's funding level for impact aid. I am very confident that with the best efforts that we all make, that we should have some success and can be optimistic about achieving that goal. I want to thank all the gentlemen for their efforts on behalf of this colloquy, and, certainly, I appreciate the spirit of cooperation we enjoyed all day long.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I merely wish to, of course, thank the majority leader for his comments. I would like to associate myself with the statement made by the gentleman from Texas [Mr. EDWARDS]. This is of extreme importance to military families all across the Nation. I thank him for his diligence and efforts on this behalf.

Mr. EDWARDS. Mr. Chairman, if the gentleman will yield once more, I would also like to particularly express my thanks to the gentleman from Rhode Island [Mr. KENNEDY] for lending his full support to this endeavor from the very beginning and for working so skillfully behind the scenes, the gentleman from Texas [Mr. COLEMAN], the gentleman from Oklahoma [Mr. WATTS] for his keen interest and diligence in seeing this through, and the gentleman from Virginia [Mr. DAVIS] who also was a key player behind the scenes as well as publicly. In addition to the gentlemen who have already spoken, I think we all owe a special, special expression of gratitude to the gentleman from Virginia [Mr. BATEMAN], who, despite a recent illness, has made an absolutely Herculean effort on behalf of the children of military families. The constituents of the gentleman from Virginia owe him a debt of thanks, and all military families throughout America owe him a debt of thanks. I would like to take this time to express my personal appreciation for his leadership on this effort.

Mr. SAXTON. Mr. Chairman, it is my intent to ask that the amendment be withdrawn, and we had hoped to be able to conclude this colloquy in 5 minutes or less. We are currently over that. I know that there are many people who feel deeply about this subject, and the fact of the matter is we are not going to take any action tonight on this, so they will be permitted to submit their statements for the RECORD in writing.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I would like to thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Texas [Mr. EDWARDS] for their efforts on this behalf, and point out how important it is to make sure we have additional funds for impact aid.

We have a situation in Monmouth County, which I represent, where some of the towns now have such a gap, if you will, between the actual cost of educating military children and what they actually receive in impact aid that it has actually become a major problem, to the point where the boards of education in some of the towns are actually saying that they do not want the military families anymore, because they are not getting sufficient impact aid.

I hate to see a situation where we get to that point. I think it is important for us to continue to provide adequate funding so there is some relationship between the actual cost of education for military children and actually what the Federal Government provides. I thank the gentleman again.

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be made available to any institution of higher education when it is made known to the Federal official have authority to obligate or expend such funds that—

(1) any amount, derived from compulsory fees (such as mandatory nonrefundable fees, mandatory/waivable refundable fees, and negative cheekoffs), compulsory student activity fees, or other compulsory charges to students, is used for the support of any organization or group that is engaged in lobbying or seeking to influence public policy or political campaigns; and

(2) such support is other than—

(A) the direct or indirect support of the recognized student government, official student newspaper, officials and full-time faculty, or trade associations, of an institution of higher education; or

(B) the indirect support of any voluntary student organization at such institutions.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from New York [Mr. SOLOMON] and a Member opposed will each be recognized for 20 minutes.

Mr. OBEY. Mr. Chairman, I would like to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, almost two centuries ago Thomas Jefferson, the founder of the Democrat Party, said this: ''To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical.'' That was Thomas Jefferson, and that is what this amendment is all about.

Mr. Chairman, I rise today to offer this students' rights amendment aimed at protecting the political self-expression of college students by prohibiting any direct Federal funds to colleges and universities that subsidize political groups through compulsory student activities through negative check-off provisions.

Mr. Chairman, groups like PIRG, Members all know who they are, will ask, ''How can you possibly define a student political group?'' That is easy. Political organizations or political groups are defined very clearly as groups whose primary activity is seeking to influence public policy or political campaigns. This definition is taken straight out of section 501(h) of the Tax Code.

Mr. Chairman, on many college campuses the funding of PIRG is obtained through a negative check-off system on the tuition bills of students, including my own children. At some universities, including New York State college campuses, the fees are mandatory and nonrefundable. This means that many students are being coerced into funding political groups whose fundamental political philosophies and activities are totally contrary to their own.

This is wrong, and my amendment would put an and to it by prohibiting negative check-offs, but allowing positive check-offs. It is as simple as that. That is what this amendment is all about.

□ 2130

Mr. Chairman, the amendment exempts from this limitation the recognized student government and student newspaper on campus as well as all university officials and all full-time faculty of the institution. The amendment is narrowly drawn in order not to impinge in any way on political speech on campuses, fund-raising activities by political groups or political activity of any kind.

Nothing in this legislation prohibits any person from raising money or engaging in political activity on or off campus. They can solicit contributions just like any other organization.

Mr. Chairman, the hysterical response from Nader's PIRGs around here, and you see them running up and down the subways—maybe we ought to extend this lobby ban to include the subway downstars—many of the PIRGs around the country underscores the need for the Solomon amendment. Rather than being a gag rule as they maintain, it attempts to curb the coercive funding methods that are used to take money from unsuspecting or otherwise unwilling students and parents to fund their political and their lobbying efforts.

I say, let them raise their money like any other organization Mr. Nader. Members, if your constituents, parents and students, want to support PIRG or any other organization like the Democratic Party, like the Republican Party, they have every opportunity to contribute voluntarily or where allowed, in most campuses, to make a positive checkoff which could be for PIRG, for the Democrat Party, for the Republican Party, or Mr. Perot or anybody else.

Mr. Chairman, this has been going on for 20 years now, and these compulsory funding schemes have bilked tens of millions of dollars out of my constituents and yours. Ten million dollars this year alone.

Here is an article from the Wall Street Journal by John R. Silber, a very, very prestigious former president of Boston University. He describes this sordid practice which he says is rampant on some colleges throughout this Nation.

He points out that PIRGs are organized by States with local chapters, on individual campuses, not primarily for educational purposes but for political advocacy, such as being—and listen to this, would you—a plaintiff in the United States Supreme Court case opposing the Solomon amendment back in 1983 which denied Federal aid to students who refused to obey the law and register for the draft.

In another case, of blatantly supporting the political campaign for President of former Senator Gary Hart. My kids were forced to contribute to Senator Hart's campaign. That is what this is all about.

Please also read the article by Jeff Jacoby of the Boston Globe this week. I quote:

''It ought not take an act of Congress to stop Nader's raid on college tuition payments. But millions of those payments are subsidized with Federal loans and grants. Congress is entitled to insist that the money it appropriates for education be used for education, not for special-interest lobbying. If college presidents cannot be counted on to ensure basic fairness, and if Governor Christie Whitman of New Jersey''—who just enacted this law there—''is the only governor in America tough enough to brave Ralph Nader's slanders, then the time has come for Congress to act.''

That is what John Silber, a Democrat, president of Boston University, has said.

Fellow Members of Congress, do something for these parents and these students that they cannot do for themselves. Support the Solomon amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this is not about Ralph Nader. I would need more fingers to count the arguments that I have had with Ralph Nader. This goes far beyond the so-called PIRG issue. This simply prohibits colleges from supporting any activity to influence public policy with fees collected from students in any way. That does not just include the kind of mandatory fees the gentleman was talking about. It also includes tuition itself. You could not support any activity that included debate on campus about a public policy issue. You could not inform students about public policy issues that affected those students. It would even probably apply to college support for student newspapers if they editorialized on public policy. It would prohibit the holding of public policy forums, even if positions were not taken.

I would call this instead the Paperwork Enhancement Act of 1995. It would require the Secretary to develop a process to permit complaints to be filed with the Secretary, to allow institutions to respond to complaints, to adjudge complaints, and to permit decisions to be appealed. The regulations would have to define criteria that allowed institutions to pick and choose which groups are educational and which are seeking to influence public policy. I invite you to define that line.

I really think that what this does is just go counter to the very idea of what a university is supposed to do and supposed to be. It even prevents on-campus discussion of public policy paid for with tuition.

I guess what I would really say is, this amendment so fits into the already existent extremism of the bill that it is perfectly fitting that the amendment be offered to this bill. If that is the philosophy of the majority party, then indeed go ahead and adopt it. It simply makes a bad bill a whole lot worse and it makes it a lot easier to vote against.

But with all due respect, I would think there are enough people on this side of the aisle who care about the right of individual expression, of student expression, the right of academic freedom, the right indeed for a university to be a place where you sift and winnow and give people an educational experience. But having seen some of the extreme propositions already added to this bill, I am not in the least bit surprised. It is here and I would be shocked, I guess, if it is not adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, the gentleman must have been reading from a different amendment. This is identical to the New Jersey law just passed by Governor Whitman and their legislature.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Solomon amendment. The question before us tonight is simple. Should students and parents decide how to spend their money, or should political organizations be allowed to covertly siphon dollars from students and parents for agendas they do not espouse?

In New Jersey, the choice was obvious. This March Governor Whiteman signed a bill that does exactly what the Solomon amendment would do. The Governor said the following: ''PIRG is the only one, the only organization in the country we could find that has enjoyed this kind of negative checkoff.''

But New Jersey PIRG found a loophole. They were so fearful of losing their funding bonanza that they devised a plan to get around the law. Unfortunately, a State judge approved the plan, so this fall thousands of people will again be hoodwinked into donating to a cause they may not agree with.

My friend Alex DeCroce, and assemblyman from New Jersey, wrote me a letter which I have here today. It says:

> A broad based Federal standard enacted this fall to eliminate the negative checkoff would resolve our dilemma in New Jersey and give public institutions across the Nation the ability to protect consumers.

Mr. Chairman, we have all heard the great weeping and gnashing of teeth from opponents of this amendment. Why are they so frightened? If these agendas are so important, they should have no trouble in raising money through voluntary contributions.

This amendment is all about free speech. It restores the rights of students and parents to decide what

causes they wish to support. I strongly support the Solomon amendment and urge my colleagues to vote for it.

Mr. Chairman, I submit for inclusion in the RECORD the letter I received from Assemblyman DeCroce:

NEW JERSEY GENERAL ASSEMBLY,
Morris Plains, NJ, July 28, 1995.

Hon. RODNEY P. FRELINGHUYSEN,
House Office Building, Washington, DC.

DEAR REPRESENTATIVE FRELINGHUYSEN: I am very pleased to learn that the US Congress is willing to tackle the ''negative check-off'' issue that unfairly burdens many of our students and their families. As the sponsor of A–380, the New Jersey legislation which addressed that issue, I was jubilant when the bill passed both the General Assembly and the Senate and less than 24 hours later was signed by Governor Whitman.

Unfortunately, on July 5, 1995, a Superior Court judge decided that the NJ PIRG plan to separate their lobbying efforts from their educational functions, which was devised to circumvent the new law, was found to be acceptable. This means that the Fall, 1995 student tuition bills for Rutgers, The State University of New Jersey, include a negative check-off for NJ PIRG.

Once we have resolved this issue in New Jersey, which we intend to do, our constituents attending school in other states can still fall prey to the negative check-off. A broad based federal standard enacted this fall to eliminate the negative check-off would resolve our dilemma in New Jersey and give public institutions across the nation the ability to protect consumers.

Under separate cover you will receive my complete file on A–380. I am anxious to work with you to see a resolution to this issue. My personal best wishes.

Sincerely,

ALEX DECROCE.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I rise in strong opposition to the campus gag rule, which the Solomon amendment encompasses. Mr. Chairman, this is the Congress of devolution. We are being told relentlessly day after day that we should shift back to the Government that is closest to the people the responsibility for self-Government.

Here is a good example of where, when we discover we are not happy with some decisions made at the level of Government closest to the students in this country, on the campus, we are going to intervene and somehow reverse our thrust and go back in the direction of imposing a standard from the Federal level on every campus institution across this country.

This is really thin skinned of us. Obviously students are people who at their level of development have many different views that clash with the established view. Many of us will be picketed on campuses because we are for the moment politically incorrect.

What are we doing here? We are speaking out in a way that only we have the authority to stifle that dissent. I think it is really shameful that we would be so thin skinned that we cannot stand the battle of ideas in the marketplace that a campus represents in our society.

We should be encouraging young people to be involved in their self-government. We should be encouraging them to enter into the debate. We have so many sitting on the sidelines who do not have the interest, let alone the initiative, to start taking on the responsibility of self-government.

What are we doing here? We are simply telling student governments around the country who they can and cannot fund. In our zeal to get at one group, the public interest research groups, because we do not like their lineage—and I share the problems the gentleman from Wisconsin [Mr. OBEY] has with the great Mr. Nader—we have overshot the mark.

We have hit organizations across the spectrum, pro-life groups and pro-choice groups, all kinds of groups, students working at Amnesty International, students working in Habitat for Humanity, students involved in hunger issues. Any kind of activism which has benefited from the decision of a student government to fund their activities has been swept up into this gag rule amendment.

This is something we ought to repudiate in the context of what so many of us have said as we paraphrase Voltaire: ''I disapprove of what you say but I will defend to the death your right to say it.'' That is a pretty basic tenet of democracy.

There is nothing here that avoids the fact that we want to be big government nannyist censors. We want to tell people what they can join, what they can be involved in and how they can, in their own self-government on these campuses, decide to fund them. It is not the right time, it is the wrong time for us to enter into this. It ought to be put to death on a bipartisan basis, as it was in committee, after an extensive debate on a 2-to-1 bipartisan vote.

I know there are many who will speak today in behalf of academic freedom. I think we are just simply asking for young people to be able to exercise their basic right to a representative form of democracy.

Vote down the Solomon gag rule amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Minnesota.

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Mr. VENTO. Mr. Chairman, I could not agree more. I think that in the amendment, the authors of this amendment are saying more about their credibility than they are about the students' credibility.

The fact of the matter is that our higher education institutions are the crucible of democracy in this Nation. Democracy is not something that we grow up with in the sense it is something that has to be learned. These institutions are a strength and they are in fact teaching that. It is this locus that we are interfering with, we are getting involved with.

I hope this House will overwhelmingly reject the amendment and I commend the gentleman from California for his statement.

Mr. Chairman, I am opposed to the Solomon amendment for several reasons.

Advocates of this amendment label free speech and political activities as lobbying; the real problem is that we need more involvement, not less. What the amendment advocates are saying is that, ''We don't want people involved.'' Non-profits, student groups by any definition are the voice of the American people not the special interests, not the big money political—quite the contrary.

This amendment is a blatant attack on the U.S. Constitution and every American's right of free speech. This amendment takes away that right from a highly visable group of Americans, college students. If we start down the path of discriminating against college students, what group is next, where could you stop.

Certainly it is the mission of a college or university to provide a marketplace for the free flow of ideas, and this extends beyond the confines of the classroom. Political lectures, debates, conference, research, and participation in politically active student groups, all offer important educational opportunities to college students. This amendment would impair such educational activities and in effect have a chilling effect upon the free discourse of our educational institutions.

University and college campuses have a long tradition of providing students with opportunities to develop their civic interests, leadership skills, and responsible citizenship, and as a result, have produced many creative leaders. One of the reasons that many of my colleagues indeed are Members of this body today is because of the leadership opportunities that they were afforded in the higher education institutions across this Nation.

Every generation of college students since America's independence have enjoyed the opportunity to participate in political organizations. This amendment will take away that opportunity that right from this generation of college students, and all generations to come. We should not deny them the freedom to participate that has been enjoyed by earlier American generations. This participation has been a hallmark of our society. Democracy and involvement is a process that must be learned. Our education institutions are naturally a locus of such experimentation and trial by young adults testing their skills. The competition of ideas that this House would fear such participation speaks to the Solomon amendments credibility not the students. I strongly oppose this amendment, a gag rule attempt to rewrite the U.S. Constitution which would impair the crucible of our Nation's democracy

and strengthen, our educational system and future generations of American citizens.

Mr. SOLOMON. Mr. Chairman, as I yield 2 minutes to the gentlewoman from California to rebut the gentleman from California, let me yield myself 30 seconds first to tell my good friend, the gentleman from California [Mr. FAZIO], we are going to a free market system. That is what the Solomon amendment does.

Let me just tell the gentleman something, that we give them the right to contribute to every one of those, but it is done voluntarily by the student, not forced down their throats by the State government in California.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from California [Mrs. SEASTRAND], and she will rebut what the gentleman had to say.

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the Solomon amendment. The amendment protects student rights and student beliefs from being misrepresented.

It also protects the American taxpayer from furnishing hard-earned tax dollars from being used to finance political organizations, regardless of whether the American taxpayer supports, opposes, or is indifferent to the viewpoints held by these organizations.

Our responsibilities as Members of Congress is to ensure the American people that the Federal Government is spending their tax dollars wisely on necessary programs. Federal funds being contributed to political organizations such as the College Republicans, College Democrats, or the PIRG, the public interest research groups, throughout the country is not wise and they are not necessary programs for the Federal Government to cover even if we did not have to contend with an almost $5 trillion Federal debt.

Opponents of this amendment are referring to it as a ''student gag rule.'' Do not be deceived by this. This amendment would in no way prohibit political organizations from soliciting either financial or political activity assistance from college students, nor would it prevent students from voluntarily contributing to the political organizations of their choice. It merely protects students from being forced into funding these activities through their tuition bills.

In addition, the amendment provides an exemption for all officials of the universities that recognize student government and the official student newspaper on campus. This amendment ensures that all university officials and the student government are free to engage in lobbying activity, as is their fundamental right in a democratic society.

The fact of the matter is that the false gag rule perception is being spread by many of the PIRG's, the public interest research groups, lobbying this issue with Federal funds they received by students in mandatory, nonrefundable, and negative check-off fees from college student tuition bills.

Again, I would say this is a misuse of taxpayers' money and should no longer be allowed.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just wanted to follow up on what the gentlewoman from California [Mrs. SEASTRAND] said, and I have a great deal of respect for her, but it is not really accurate that this amendment is dealing with the issue of Federal funds going to the student groups.

What the amendment does essentially is to say that the university will not be able to receive or utilize Federal funds that it gets for almost every purpose if it allows students to organize and by majority vote decide to have a referendum where an assessment is put on the students which individual students can get out of. That is what the amendment says.

It is a very broad brush here. The gentleman from Wisconsin [Mr. OBEY] pointed out, and I am glad the gentleman from New York [Mr. SOLOMON] is willing to admit that basically he is trying to go after the native group or the PIRG group here, but if you look at the amendment, what it says, it paints a very broad brush.

It is going to make it very difficult for student groups that want to speak out, and it puts in effect a gag on these student groups and punishes the university if they simply let a referendum take place where student activities are assessed for a particular purpose or organization.

This is not compulsory. There is nothing to prevent individual students from checking off that they do not want to participate and do not want to contribute their funds. It is strictly voluntary. To make such a distinction between a negative and a positive check-off in my mind makes no sense.

Mr. Chairman, I respect the gentleman from New Jersey [Mr. FRELINGHUYSEN] for what he said, but the bottom line is this has already had a very negative impact in New Jersey on the ability of student groups to organize and to speak out and exercise their First Amendment rights.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, this is indeed a dangerous amendment and when you put it in the context of what we have been through this Congress, it is even more frightening.

We started this Congress by having the research arm of our party, the Democratic Study Group, shut down. We then marched to shutting down the Congressional Black Caucus, the Congressional Hispanic Caucus, the Women's Caucus.

Then the Republican extremists decided this institution knows no bounds. They went outside the institution and began to shut down the Corporation for Public Broadcasting, the National Endowment for the Arts, and now they are marching to campuses to take on young men and women who we encourage every day on this floor to participate in their government, and they are trying to shut them down.

Mr. Chairman, this is a shameful amendment. I encourage each and every one of my colleagues to vote against this and let the citadel of free expression in our society, the university, the colleges, the campuses, allow them to flourish in the historic context in which they have been made great throughout the centuries.

What are you afraid of? What are you afraid of from students expressing their free will and their views and their thoughts? Vote ''no'' on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, the gentleman from Michigan [Mr. BONIOR] made the same argument 13 years ago about the first Solomon amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a freshman Member of this body.

Mr. WICKER. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the time.

I certainly rise in support of the Solomon amendment. When Mr. SOLOMON began his remarks, I believe I heard him say that you would hear some hysteria tonight from the opponents of this amendment and I think now we know exactly what the gentleman from New York was referring to.

I have not been here long, but I have learned that when you are opposed to an amendment or to a concept here in the House of Representatives, you get up and say it is a ''gag rule.'' You throw out terms like ''dangerous'' and ''chilling.'' You say it is an attack on the First Amendment and on free speech. Nothing could be further from the truth in this case.

It is also important that we actually read the amendment and correct some of the misstatements that have been made tonight. Student governments are excepted from this amendment. Student newspapers are not affected by this amendment. Officials and faculties are specifically, by the wording of the amendment, not subject to the language of the amendment.

Now, back several years ago when I was in college, I was a campus activist. You might find that surprising, but I was involved in campus politics. I believe political discourse should flourish at colleges and universities, but I think what organizations ought to actually do is set up a table during registration and collect dues. What this amendment does is go farther than that. It says these campus groups can have a positive check-off. The crux of the amendment is this: Should we compel students to contribute money to an organization they do not believe in? Should we compel students to contribute

money to a point of view they do not support?

I say to you, Mr. Chairman, and to the Members of this House, such practices are wrong. That is what this amendment is about. I urge a ''yes'' vote on the Solomon amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, we are being told that we do not have time to debate the telecommunications bill in the light of day, so the U.S. Congress can debate whether or not students on campus have the right to be able to organize student activities any way that they want. That is what we are taking time out here in the U.S. Congress to do.

Now, every one of these activities has been authorized either by the State legislature, the university officials, or by the students themselves. They have determined in each one of these States how they want to have these activities on their own campuses conducted.

In about 4 hours, we are going to have a vote that the majority opposes that is going to give parents the right to be able to block violence that is invading their living rooms for their adolescent children. Many on the majority side are opposed to the Government intervening there, and yet here we are with the majority telling us their 18- to 20-year-old sons and daughters on campus cannot make up their own mind on how they want to organize to ensure that they have a public interest activity that they are able to advance as they see fit.

Mr. SOLOMON. Mr. Chairman, yielding myself 15 seconds, I will say to my good friend from Massachusetts, did you ever hear of Senator Stan Rosenbaum and Representative Paul E. Carin, two prominent Democrats in the State legislature of Massachusetts? They want to end compulsory student fees because they gag students. You ought to talk to them.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a very distinguished Member.

Mr. KINGSTON. Mr. Chairman, I agree with the previous speaker: This is a ''no brainer.'' If our constituents were watching this, but they are probably doing something a little more intellectually challenging like watching Gilligan's Island reruns, they would be appalled to think that we can look them in the eye and say, ''Yes, it is fair that you work all your life to write a $2,000 tuition check to the university of your choice and part of that money goes to a special interest group and the only way you can get it back is to file something like a tax return and then you get your money back.'' That is absurd.

If PIRG and all these groups that are benefiting from them are good, let them compete just like the College Democrats and the College Republicans do. All day long we have heard from the left that this bill is bad for students, bad for parents, hurts college tuition. If you want to help college tuition, vote for the Solomon amendment and restore some of that tuition.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from New York [Mr. SOLOMON] mentioned Senator Stanley Rosenbaum. It is Rosenburg. That may not be an important difference to you. The point is they are State legislatures. You mentioned a State Senator and a State representative. You said before, only one Government had the guts. That is the crux of it, the State legislatures. They should do it. You do not believe in States' rights. It is a phoney.

Mr. SOLOMON. I am glad you are with me.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], the distinguished Chairman of the Committee on the Budget.

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Chairman, a little while ago, we dealt with Medicaid. It is a Federal program. The Federal Government pays 50 to 70 percent of the cost and the House voted to say that in the name of States' rights, a woman who has been raped or a woman who suffered from incest and become pregnant should not have funds available for an abortion.

Now we are saying that in the university or a college, the Congress is going to tell them how they run their student fees. How ridiculous are we getting? Talk of arrogance of power.

The gentleman from Massachusetts [Mr. FRANK] is right: If a governor wants to decide, a legislature, the board of regents, the student government. But all this talk of decentralization, all of a sudden we are trying to tell universities and collages how to run their student fees.

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Let us stop it. Let us go on to serious debate.

Mr. SOLOMON. Mr. Chairman, that gentleman was from Minnesota. His students were forced to give $250,000 to Ralph Nader.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from yielding me this time.

We were talking about arrogance of power. Let us take a look at this amendment.

Many time this debate gets far afield. This amendment says this, and I quote, ''Prohibit the dissemination of Federal funds to institutions of higher learning when that institution uses compulsory fees for public policy, influence, or political campaigns,'' compulsory. Everyone in this House should be opposed to compulsory fees for lobbyists like Ralph Nader. I cannot believe anybody in this House would vote against this amendment.

I thank the gentleman from New York for having the courage to propose an amendment like this. It is about time. For 40 years we have been going down this road of compulsory fees. It is about time we tell our students in the universities they do not have to knuckler under.

This amendment is going to end welfare for Ralph Nader. That is enough for me to vote for this amendment.

Now let this House say we have had enough of Ralph Nader, too, and vote for this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN.]

Mr. HORN. Mr. Chairman, I had always thought Republicans believed in local control, and now suddenly we are believing that this Congress should be the big nanny of American higher education.

Being a former university president with 300 students groups on the campus, I want to say that last thing we need to do is spend our time intruding on the private and the public universities of America.

As an undergraduate, I went to a university where you could not have a political speaker on campus unless someone answered it, so when the Republican leader of the Senate came, we had a student assistant debate William F. Knowland. Now, that was Stanford University. Those days are over.

When my son went there three decades later, if he did not like a group to whom the student body contributed, you could go in and get your 75 cents back or whatever the amount was.

What this amendment will do is objected to by Arkansas Students for Life, Illinois Students for Life, student chapter of the National Wildlife Federation, the National Catholic Student Coalition.

Let us stop the nonsense and let us turn this amendment down.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, what is the majority party afraid of today? First we seek to stifle not-for-profit groups. Now we seek to invade the free speech rights of students.

Because this amendment is so vague, it would create a chilling effect on all speech in any college or university receiving Federal funds under this amendment. If a student group were to engage in activity that is interpreted by a Federal bureaucrat as an attempt to affect public policy, every student at the institution would risk losing Federal student loans. A student receiving credit for congressional internship programs supported by the university could put in jeopardy all the university

funding that benefits the students at that institution.

Why are we dictating to the States, to the students, to the college administrations how they ought to use their funds, not the Federal funds, their funds?

We have, in the arrogance of power, decided that we know best. We are going to tell every State Governor, every college, every student body what to do. That is not what I thought this was all about.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], who looks like a student.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I think that perhaps I still look like a student because I need a haircut, thanks to the gentleman from Texas [Mr. ARMEY], with the schedule we have been on. We have not been able to see folks otherwise we would like to see.

Mr. Chairman, I do remember well when I was a student, and I remember well paying into this fund, and you know what, I did not like it, and I could not get my money back, and that is wrong. That is wrong to force us to contribute to an organization that we may not be willing to support.

As I understand it, this amendment provides a voluntary checkoff so that the student, he or she, can decide what they want and what they do not want. I think that is the fair way to go, and that is why I rise in support of this student-friendly amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, it seems to me we have been about the business over the last few days in this Congress of saying if we do not agree with your views, we are going to find a way to penalize you. We are going to find a way to try to intimidate you. We are going to try to find a way to quite you, to shut you up. That is not America. That is beneath us.

This amendment is beneath us. All of us know it is directed at the PIRG's, and all of us have had an opportunity to be annoyed by the PIRG's. But, very frankly, I am annoyed by a lot of people, and I am sure I annoy a lot of people, and that is the greatness of America. We get the opportunity to annoy one another.

Let us continue that right in America.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FORBES], a fellow New Yorker in the State where Ralph Nader gets $1 million.

Mr. FORBES. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

As a student at the State University of New York, I was required, and my parents were required, to pay a mandatory student fee. And from that fee, a nonrefundable mandatory fee, and part of that money was used to fund off-campus groups that had nothing to do with education.

Great discussions over the last several months particularly have talked about choice. Well, what is wrong with allowing students the opportunity to choose and to write their own checks to their own special interest groups that they want to fund? Instead of forcing students to pay and their parents to pay fees that go to off-campus groups that have nothing to do with education, I would suggest that we support the Solomon amendment and give the right of choice back to the students.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, the choices are being taken over by the Federal Government. Just look at what we have done this evening on this bill. The Federal Government is going to tell the schools, medical schools what they can and cannot teach. The Federal Government is going to say whether a woman will really have a choice for abortion if she is raped or is pregnant because of incest. The Federal Government is going to tell nonprofit groups they cannot express their own opinion. Now we are taking away the choice from universities and campuses to allow greater speech.

We have heard over and over again tonight that the Republicans seem to want to silence one particular group on the campuses. That is not the American way.

You are going to silence one group you disagree with. You are also going to silence some groups with whom you may agree.

Let us have a diversity of opinions. Let us have a free marketplace of ideas.

Those who called for free market economics ought to be for free market ideas as well.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. DEFAZIO. Mr. Chairman, I have noted that repeatedly the gentleman from New York has stood up and made a rebuttal statement or a statement that does not pertain to the yielding of time or to the introduction of the next speaker. I would like to know if the rules of the House allow for that or whether or not all of those comments should be counted against his time or whether those are out of order.

The CHAIRMAN pro tempore. The Chair will state that the time that the gentleman has used has been taken off of the time that he is allowed for his time on this amendment.

Mr. DEFAZIO. I thank the Chair.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, it is with reluctance, I say to the gentleman from New York [Mr. SOLOMON], I have to oppose his amendment.

I came to Washington to fight against more power and decisionmaking coming from this Congress, and I just was very proud to vote with my colleagues a few minutes ago to end welfare for lobbyists.

But I think this goes a little bit too far. If you do not like compulsory fees and how they are spent, you have other choices. You can work with student organizations to change the way those decisions are made. But I do not think we need to focus here in Washington to try to change it here from this Congress.

It seems to me, in my judgment, are we now setting the standard for political correctness here from the House of Representatives, from Washington, DC? I do not think so.

I highly respect my colleague from New York, but in my judgment, this goes too far.

I remember my days as a student at Amherst College at the height of the antiwar movement. I was chairman of the Conservative Union. I remember, in those days, not getting a voice.

I do not think these decisions ought to be measured from Washington. There ought to be other ways to change it.

I oppose this amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. COX], a member of the Republican leadership, speaking for the leadership for this amendment, our policy chairman.

Mr. COX of California. Mr. Chairman, I want to thank all of my colleagues for their cheerful demeanor at this time of night. The debate has been an interesting one to listen to, and it caused me to rise in support of the gentleman from New York [Mr. SOLOMON] because I have observed both as a student on campus that campus liberals and former campus liberals have difficulty distinguishing between other people's money and their own.

What we are talking about in the Solomon amendment is whether or not Federal funds should be used to subsidize institutions that use compulsory fees for public policy influence or political campaigns, and that is wrong.

When we do telecommunications, we are going to vote on a bill that outlaws slamming, that is, when a long-distance company calls you and says, ''Do you want to switch,'' and if you do not affirmatively say ''no,'' they go ahead and switch you anyway. That is wrong. That is dishonest. That is illegal, and we are to fix it when we do telecom. It is wrong whether it is labor union dues that are spent against the wishes of labor union members to fund political campaigns they do not agree with, or students on campus whose dues are

taken without their affirmative consent.

The same liberals who for years have regulated every aspect of American life with thousands of pages much legalese tell us now it is too complicated to let students check a box that, yes, they would like their money to go to a political campaign or political influence.

The fact is it is easy, it is right, and it is fair. Vote for the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Let me just tell the gentleman from Virginia [Mr. DAVIS] for a minute, the gentleman says let the students correct it. I want you to go out and check the record that in every campus in America where the students have been given the right for a referendum, do you know what they have done? They have rejected mandatory activity fees. They have rejected the negative checkoffs, because they want the positive checkoff, the right to do it, and it was not just overwhelming. The smallest ratio was 75 percent rejecting mandatory activity fees. That is exactly what we are doing here. We are giving them that right, if they want the Federal dollars.

This does not touch Pell grants and individual grants going to students. It is only to those universities that are depriving those students of the referendum to let them check off a positive checkoff. That is exactly what this amendment does. It does nothing else.

I invite you all to come over here and read the amendment. If you want to do what is right for the students of this country, you vote ''yes'' on the Solomon amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield the remainder of my time, 1½ minutes, to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, let me tell you what this debate is all about. Too many Members of this new Gingrich Republican Party are frightened by freedom of expression in the United States.

Six screwballs to out and burn the American flag last year. The Gingrich Republicans come in and want to change the Bill of Rights for the first time in over 200 years. Garrison Keillor gets on public radio and needles them, and they decide to do away with the Corporation for Public Broadcasting. A Congressman receives a few letters from advocacy groups he does not care for, he introduces an amendment to shut them down so they can no longer lobby Capitol Hill.

□ 2215

And now we have an amendment offered by the gentleman from New York [Mr. SOLOMON] which seeks to silence controversial discussions on college campuses, a place where we should encourage these discussions on the right and on the left. That is what America is all about.

I say to my friends in the Republican Party, if your revolution is so right, so popular, so American do not be afraid of the court of public opinion. That is what America is all about.

This amendment is not conservatism, it is elitism. Defeat this abomination. Defeat the Solomon amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to this amendment.

This amendment is a Federal intrusion to the integrity of college and university campuses all around the country, and an attack to one of our most fundamental rights—the freedom of speech.

Aptly termed the ''campus gag rule,'' this amendment assaults the freedom of speech of our students, faculty, staff, and all who want to participate in an exchange of ideas—in the very institutions where freedom of thought is supposed to flourish and be embraced.

We cannot be expected to produce the leaders, the political thinkers, and civic-minded citizens of the future, if we stifle their ability to participate in discussions on issues and public policy that will shape their world of tomorrow. Participation, service, and activism enhances the educational experience of students, and sometimes inspires us to become involved in the very issues that affect our communities.

Mr. Speaker, this amendment stilts the academic and intellectual freedom of some of our brightest citizens. And it only serve to further isolate our citizens from participating in the public policy discussions that influence their lives. I urge my colleagues to vote against this amendment.

Mr. RICHARDSON. The Solomon amendment is noting but campus gag rule.

This amendment adds an unprecedented level of Federal intrusion into local decision making.

It prevents university and college campuses from being free to make their own decisions about how best to encourage a marketplace of ideas and opposing viewpoints.

Our college students represent our best hope for developing the next leaders of this Nation. This amendment prevents students from entering into important debates and from pursuing campus activities which they believe in.

The bottom line is that student's must have the ability to influence policy and must be allowed to get involved in issues that they support.

I urge my colleagues to vote no on the Solomon amendment.

WHO OPPOSES THE CAMPUS GAG RULE?

(The Solomon amendment to the Labor, HHS and Education appropriations bill)

National education organizations including: American Association of State Colleges and Universities, American Association of University Professors American Council on Education, Association of American Universities.

American Federation of Teachers, National Association of State Universities and Land Grant Colleges, National Education Association, National Association of Independent Colleges and Universities.

Over 50 national student and citizen groups including: American Planning Association, Consumer Federation of America, Environmental Defense Fund, Habitat for Humanity International, National Catholic Student Coalition National Catholic Student Coalition, National Student Campaign Against Hunger and Homelessness.

National Wildlife Federation, Oxfam America, People for the American Way, Physicians for Social Responsibility, Presbyterian Church (USA), Washington office, United States Student Association (USSA).

Over 100 local citizen groups including: Arkansas Students for Life, Long Island Soundkeeper, Florida PIRG, Illinois Citizens for Life, Sierra Club of Indiana.

Hands Across New Jersey, Pennsylvania Council of Churches, Consumers Union, Southwest Regional Office, United We Stand, Texas, Watch Our Waterways.

Over 100 local educators including: California State University, Office of the Chancellor; University of California, Office of the President; Central Baptist College, Dean; The Regents of the University of Colorado; Connecticut College, President; The American University, Chair Board of Directors; Delta College, Dean; Emory University, President; Illinois Community College Board, Executive Director; Illinois Board of Regents, Chancellor; University of Maine System, Chancellor; University of Mississippi, Chancellor; Hastings College, President.

Dartmouth College, President; University of New Hampshire, President; Nassau Community College, President; University of New Mexico, Acting President; Ohio State University, Provost; Oklahoma State Regents for Higher Education, Chancellor; Oregon State System of Higher Education, Chancellor; Bucknell University, President; University of Texas Board of Regents, Chancellor; University of Utah, President; Virginia State University, Vice President; Washington State University, President; University of Wisconsin System, President.

Ms. BROWN of Florida. Mr. Chairman, I rise today on behalf of the college students in Florida, and against the Solomon amendment. This amendment would deprive our students, our future citizens, of the ability to exercise their democratic rights to free speech.

This amendment is a gag rule—pure and simple. It would prevent students from deciding to use their own fees for causes they determine are important. It interferes with student and university decision making. Ironically, this amendment would interfere with students rights to protest against the $4.5 billion cuts for education in this very bill.

Don't the decisions about which groups and activities students choose to fund with their own fees belong to the students—not the Federal Government? Don't a majority of students vote or petition for these fees in the first place? Isn't that the lesson of democracy we should be teaching our students?

We do not need to interfere with the decisions of student bodies about how their fees should be spent—especially if they choose to enter debated of public policy of our democracy. We should be encouraging them to participate in our democracy—not curb their participation.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No. 623]

AYES—161

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bliley
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Everett
Fields (TX)
Forbes
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kingston
Knollenberg
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Montgomery
Moorhead
Myrick
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Quillen
Radanovich
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Weldon (FL)
Weller
Wicker
Zeliff
Zimmer

NOES—263

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Camp
Cardin
Castle
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Emerson
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—10

Andrews
Bateman
Filner
Moakley
Petri
Reynolds
Thurman
Volkmer
Williams
Young (AK)

□ 2236

Messrs. EWING, SAWYER, PORTER, and HOEKSTRA changed their vote from ''aye'' to ''no.''

Mr. BASS changed his vote from ''no'' to ''aye.''

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, earlier this evening I missed rollcall vote No. 623, the Solomon amendment. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GORDON: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for grants to students at an institution of higher education under the Pell Grant program under subpart 1 of part A of the Higher Education Act of 1965 when it is made known to the Federal official having authority to obligate or expend such funds that such institution is ineligible to participate in a loan program under part B of title IV of such Act as a result of a default rate determination under section 435(a) of such Act.

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to the order of August 2, 1995, the gentleman from Tennessee [Mr. GORDON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The CHAIR recognizes the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I yield myself 5 minutes.

The gentlewoman from New Jersey [Mrs. ROUKEMA] and I have a commonsense and, I think, an uncontroversial amendment. In 1982, we had a $3 billion student loan program in this country and a 10-percent default rate. Ten years later, in 1992, we had a $7 billion student loan program and a 54-percent default rate. We were spending more money on defaults in 1992 than we spent on the whole program 10 years before that.

Mr. Chairman, that resulted from a variety of reasons, one of which is the Department of Education simply was not doing a good job in overseeing the program and collecting, and the other problem was there were a number of schools that had extraordinarily high default rates, 50, 60, 70, 80 percent, because they were more interested in getting a student's money than in giving a student an education. With the help of a number of the folks here in this Chamber tonight, we instituted a number of reforms in the student loan program integrity provisions.

One of the major reforms that was made in the student loan program was to kick out of the program those schools with high default rates, and the result has been, in the first year of that, last year, we saved $600 million for the taxpayers; this year it is estimated $1.2 billion; and that figure will continue to climb. What we found is that a number of those schools said, ''Fine, we will just get out of the student loan program, but we want to continue to get the Pell grants because there is no accountability for Pell grants.''

Right now, Mr. Chairman, we have $320 million a year in Pell grants going to schools that have been determined to be so irresponsible that they should not be in the loan program. The gentlewoman from New Jersey [Mrs. ROUKEMA] and myself have a simple amendment that simply says that if you are a school that has been kicked out of the student loan program because of high default rates, then your school is not eligible for Pell grants. That is the bulk of the amendment. I know there will be some questions.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], and I ask unanimous consent that she be permitted to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may

consume, and I want to rise in strong support, of course, of this amendment. I am happy to join again with the gentleman from Tennessee [Mr. GORDON] on this amendment. As he has stated, we successfully passed similar language in 1992 on this very floor, which most of the people here voted for at that time, but it was mysteriously dropped in conference. We are coming back to that now.

I think it is a straightforward amendment, as the gentleman has already said, and I want my colleagues to listen to this now. It would prevent a postsecondary school from participating in the Pell Grant Program if the school is already ineligible to participate in the student loan program.

□ 2245

That is plain and simple if they have very high default rates and do not meet the criteria in the legislation of today.

My colleagues, this bill is an example of how we are trying desperately to save the taxpayers' money, and it is appropriate, therefore, that we add this reform to this bill so that again, we can go along with the savings that we know are really out there for the taxpayers.

The gentleman from Tennessee [Mr. GORDON] has already outlined some of the savings, but I would like to add to what he said about the benefits that we have already seen in this just 2 years. In just the short time that this reform has already been in effect, the Departnment of Education has documented substantial results, having already saved millions of taxpayers' dollars, and it disqualified at least 129 of the schools. However, that is not enough.

Mr. Chairman, the Senate Committee on Governmental Affairs Permanent Subcommittee on Investigations held hearings just 3 weeks ago to examine this very question of the Pell Grant Program in proprietary schools. That hearing disclosed that a California-based trade school, which had repeatedly failed to reimburse loans and filed false loan applications had received almost $58 million in Pell grants in just a few short years, which made it the 16th largest Pell grant recipient in the Nation.

Mr. Chairman, this amendment says, enough is enough. We are trying to save the taxpayers' dollars, we are trying to balance the budget. Make our Pell grant money go farther, save the students and save the taxpayers from the scam schools.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Pennsylvania [Mr. GOODLING] Chairman of the Committee on Economic and Educational Opportunities, for his observations on this issue.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, our two colleagues have an excellent amendment. I just want to make a little history for the benefit of this Department of Education and any future department to make sure that they understand there is an exception in the legislation that the Secretary can make, and that is put there primarily because a community college, for instance, may have only four loans. They may have two defaults. That is not what the gentlewoman is talking about, and we want to make sure that the department understands that, and they are protected.

Mrs. ROUKEMA. Mr. Chairman, that is a very useful contribution, and I thank the gentleman.

There have been some that have raised the question with me, and I have tried to assure them that that problem is taken care of, and it should not adversely affect their community colleges.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I think the amendment makes eminent good sense and we would accept it and urge its adoption.

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, if I could ask either the gentlewoman from New Jersey or the gentleman from Tennessee, both who have worked incredibly hard on this problem, in the case of a public institution, a community college which we have a lot of obviously in California and Texas and other places, what happens there? I mean it is the student who is in default, but you have other students who want to come to the institution who are eligible for Pell grants. Would they be denied Pell grants? You talk about we have a very limited number of loans. But would that be true?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman's time has expired.

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MILLER of California. Has the time in opposition been claimed?

The CHAIRMAN pro tempore. It has not.

Mr. MILLER of California. Mr. Chairman, could I claim the time in opposition?

The CHAIRMAN pro tempore. Does the gentleman oppose the amendment?

Mr. MILLER of California. I think I might, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 10 minutes in opposition to the amendment.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my concern is public institutions. Pell grants, as I understand it in California, are used mainly at the community college level much more so than the loan program. But you could have a limited number of students who have loans and they default on them, and then that spills over to the students who want to get an education and are qualified for a grant and need the grant to go to school. Can you help me with that?

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me repeat what I think Chairman GOODLING put forth earlier.

Mr. Chairman, what the gentleman is talking about is a valid situation. You will have some community colleges that may have four people there on loans and have 4,000 on Pell grants. You have a situation because there is such a small loan volume that you could have two of those four that have defaulted, and so they are in a high default rate situation.

As was pointed out, this was never intended to cut that school off from Pell grants. It gives the Secretary of Education the authority, and encourages them, to waive this prohibition in that situation.

Mr. MILLER of California. I thank the gentleman.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would like to also say that the students would not be punished because they could come under existing law for mitigating circumstances.

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman from New Jersey and the gentleman from Tennessee who have worked hard on this, and they have removed my opposition, so I yield back the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, if I might just quickly close by saying we talked about saving the taxpayers' money, and we are going to do that. But what we are also going to do is save opportunities with this bill. We are going to save the opportunities of those individuals that are going to a high default rate school that really is not giving an education. They are going there under false pretenses, and they are not going to get a good education. Now they can take that Pell grant and have it directed to a good school and have their opportunities fulfilled too. So we know we save money, and we also save opportunities.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would simply underscore what the gentleman has said. In

my closing remarks I stated we are not only saving the taxpayers, but we are concerned about the students that are being used and deprived of an education and we want them to get that good education.

Mr. Chairman, I rise in strong support of the amendment offered by myself and my colleague from Tennessee [Mr. GORDON]. And, I would like to congratulate him for his continued efforts on this issue. For my colleagues who were not here a few years ago, the gentleman from Tennessee and I successfully passed similar language to the 1992 Labor-HHS-Education appropriations bill, but it was mysteriously dropped in conference.

Mr. Chairman, this amendment is straightforward. It would prevent a postsecondary school from participating in the Pell Grant Program if that school is already ineligible to participate in the federally guaranteed student loan program. Plain and simple, this legislation will make sure that if you have high default rates, then you should not receive any title IV higher education funding period.

Mr. Chairman, as all of my colleagues know, this is a critical time for our country. Congress is trying to save taxpayer dollars while improving the quality of post-secondary education that is available to all Americans. We took strong steps forward in achieving this in 1992 when we reauthorized the Higher Education Act with nearly 100 sorely needed reforms that were good for students and good for taxpayers.

Reforms such as the 3 year 25 percent cohort default rate were intended to put an end to risk-free Federal subsidies for those unscrupulous, for-profit trade schools who promise students a good education that leads to a good job and then fail to deliver on that promise—at the expense of both students and the taxpayer. If these schools violated these rules, then they would be bounced from the program.

Mr. Chairman, we have already determined that schools with unacceptably high student loan default rates should not be permitted to participate in the federally guaranteed student loan program. I submit that if a school is deemed ineligible to participate in the federally guaranteed student loan program, then obviously it should not qualify for the Pell Grant Program. And, as I already mentioned, while the House passed modified language addressing this concern in 1992, it was mysteriously dropped in conference. So, we are back here today discussing the one that got away.

Today we have an opportunity to stretch our Pell grant funds by disqualifying those schools that we have already disqualified from the federally guaranteed student loan program.

Data recently compiled by the Department of Education has revealed that, as a result of the 1992 reform addressing 25 percent cohort default rates, 544 proprietary schools no longer participate in the Guaranteed Student Loan Program. But, at least 129 of these disqualified schools continued to participate in the Pell Grant Program and subsequently continued to receive millions in Pell grants since 1991.

And, these figures do not even include all of the schools who voluntarily withdrew from the loan program because of the prospect of sanctions. In many of these cases, schools just chose to stop certifying loan applications instead of notifying the Department of Education that they were ending their participation in the program.

To top it off, the Senate Governmental Affairs Permanent Subcommittee on Investigations held hearings 3 weeks ago to examine the abuse of the Pell Grant Program by proprietary schools. That hearing disclosed that a California-based trade school which had repeatedly failed to reimburse loans and filed false loan applications received almost $58 million in Pell grants from 1990 to 1995 making it the 16th largest Pell grant recipient in the Nation.

Mr. Chairman, the Title IV Student Aid Program currently serves 2,487 proprietary schools, and proprietary schools represent 41 percent of all Pell grant recipients. And, despite corrective actions taken through the 1992 higher education amendments to prevent fraud and abuse of the Federal student aid program, this hearing only confirms that similar problems still persist, and that much more needs to be done to stop them.

Enough is enough. Make our Pell grant money go farther. Save the taxpayers from scam schools. Throw the scam schools out of the Pell program. Protect our students and our taxpayers. Support this critical amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. GORDON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided by this Act for ''Corporation for National and Community Service—Domestic Volunteer Service Programs, Operating Expenses'' is hereby increased by $13,793,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of August 2, 1995, the gentleman from New York [Mr. LAZIO] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking Mr. PORTER, who has done a wonderful job in assisting on this amendment.

Mr. Chairman, I rise today to offer an amendment which restores money to the National Senior Service Corps, part of the Domestic Volunteer Service Programs. The National Senior Service Corps is a very successful program essential to today's senior citizens. The National Senior Service Corps includes: the Foster Grandparents Program, the Senior Companion Program, and RSVP—the Retired and Senior Volunteer Program. The additional funds from this amendment, which is totally offset by the savings in the last amendment by Mrs. ROUKEMA and Mr. GORDON, will be equally divided among these three programs.

The funding level in this bill represents a reduction of 15 percent from the 1995 level and returns the National Senior Service Corps to 1988 funding levels.

These programs have brought needed services to communities across America and provided hundreds of thousands of service opportunities to older Americans. The seniors throughout our country represent a huge resource which we have only begun to realize.

We are a young Nation which prides itself on our youthfulness and vigor. We have a tendency to look toward our children and rely on them to realize our hope for tomorrow. I share this vision, and believe that children are the ultimate reason for which we do our work here in Congress. I also believe, however, that the senior citizens of this country have a wealth of experience and knowledge which must be engaged. As we look at some of the enormous social problems we face today, it is essential that as a nation we look toward those who have faced and overcome adversity before, and now stand as examples of that which makes America great. We need to realize that senior citizens are an essential part of the solution to many of today's ills.

It is easy to look at a bill such as the one before us today and miss the true meaning behind the numbers. The reduction to the National Senior Service Corps represent community needs which will go unmet. These programs have proven to be incredibly successful throughout their existence, and have engaged seniors in valuable community service making them part of the solution and giving them meaning. This amendment will restore nearly $14 million of those funds.

The failure to adopt this amendment will mean:

A total of 3,208 Foster Grandparent service years—carried out by approximately 4,800 older volunteers—would be eliminated. This is the equivalent of 46 local projects—out of a current total of 279 projects. These Foster Grandparents would have served almost 12,500 infants, children, and young people with a variety of disabilities, including those who were abused or neglected, homeless, in trouble with the law, afflicted with a serious illness, or otherwise in need of person-to-person services from a caring older person.

An estimated 1,220 Senior Companion service years—involving over 1,700 older volunteers—would be eliminated. These Senior Companions would have served thousands of frail adults who need assistance with the activities of daily living to remain independent in their communities. Communities and families of these frail adults would have to find some other way—very likely costly institutionalization—to replace the 1.3 million hours of service they would loose each year.

In RSVP, where volunteers receive no stipend, the reduction would eliminate over 153 projects—from a current

project level of 759—serving over 12,200 local agencies and organizations in approximately 300 counties in all 50 States. These projects enroll approximately 91,800 RSVP volunteers—all seniors who rise in the morning with a sense of purpose, if the reduction is implemented.

I ask my colleagues, should we not utilize the talent and experience of America's senior citizens? The Lazio amendment would restore much of the money for these vital programs, and continue to engage our senior citizens in valuable community service.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Wisconsin.

Mr. OBEY. If we could shorten things up by accepting the amendment, would the gentleman be persuaded to shorten things up?

Mr. LAZIO of New York. Mr. Chairman, I would be happy to do that, if the gentleman would indulge me for about 30 seconds to yield to a colleague of mine who very much wanted to speak to this.

Mr. OBEY. Mr. Chairman, if the gentleman would then yield me 30 seconds I would appreciate it, and then we would be happy to accept the amendment.

Mr. LAZIO of New York. I thank the gentleman.

Mr. Chairman, I yield 30 seconds to the gentleman from Nevada [Mr. ENSIGN].

(Mr. ENSIGN asked and was given permission to revise and extend his remarks.)

Mr. ENSIGN. Mr. Chairman, I rise in strong support of the Lazio amendment to H.R. 2127, the Labor/HHS/Education Appropriations Act.

I want to thank my colleague for offering this amendment today. The Lazio amendment would restore $13 million to the National Senior Volunteer Corps. Millions of seniors across the Nation—including hundreds in my congressional district in southern Nevada—are dependent on the friendship, knowledge, and confidence they gain from National Senior Volunteer Corps programs. Foster Grandparents, Retired Senior Volunteers, and Senior Companions are making a difference in our hospitals with the terminally ill, homeless shelters where many have lost hope, juvenile detention facilities with troubled youth, and in schools where drug use is rampant. These programs represent true volunteerism and a welcome challenge to seniors. Our communities are better places to live because of the commitment of senior volunteers.

I know that we are facing tight budgetary times. Difficult decisions must be made to balance the budget. However, I don't believe that we should curtail volunteer opportunities by 15 percent for seniors when an increasing segment of our population is aging. The growing aging population is living longer and healthier lives. Seniors have the extra time to share their knowledge, experience, and wisdom, and I believe the small Federal investment we make for our seniors is well spent. In fact, Federal funding for programs such as Foster Grandparents from State and Private sources is leveraged several times by State and private dollars.

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to say on this side, we accept the amendment. This is a tiny fix-up in a massively messed up bill, but we have no problem with the particulars of this amendment.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. SANDERS: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATIONS ON USE OF FUNDS FOR AGREEMENTS FOR DEVELOPMENT OF DRUGS.—None of the funds made available in this Act may be used by the Director of the National Institutes of Health to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug.

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the National Institutes of Health on a drug, including an agreement under which such information is provided by the National Institutes of Health to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal officer having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

The CHAIRMAN pro tempore. Pursuant to the order of the House of August 2, 1995, the gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

□ 2300

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes in support of his amendment, and the gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, the people of this country want to know why the taxpayers of the United States are providing billions of dollars a year to the National Institutes of Health to research and develop new drugs, and the major beneficiaries of that investment are not American consumers, but large multi-billion dollar pharmaceutical companies. The taxpayers pay for the research, and the pharmaceutical companies make huge profits by selling the taxpayer-developed drugs at outrageously high prices.

Mr. Chairman, 42 percent of all U.S. health care research and development expenditures is paid for by the U.S. taxpayer. The result of this is that the NIH has created many of the new and most important drugs which are on the market today. Of the 37 cancer drugs discovered since 1955, 92 percent of them, 34 cancer drugs, were developed with Federal funding. In other words, the overwhelming majority of new cancer-fighting drugs developed in the last 40 years were developed with taxpayer funding.

Mr. Chairman, given that reality, it seems to me that the citizens of this country, who have already paid for the development of these drugs with their tax dollars, should not be ripped off when they purchase these products at the drugstore. They should not be forced to pay outrageously high prices so that the pharmaceutical companies can make exorbitant profits. Sadly, that is not the case today.

In April, 1995, the NIH dropped the Bush administration's reasonable pricing policy, which was aimed at giving U.S. taxpayers a return on their investment by preventing drugs developed with taxpayers' dollars from being sold back to them at competitive prices. This amendment would simply restore the Bush administration's reasonable pricing clause, but would still provide the NIH with flexibility to waive the pricing clause if it is in the public interest to do so.

Mr. Chairman, let me give the Members a few brief examples of why we need a reasonable pricing policy. Over the course of 15 years, the U.S. taxpayer spent $32 million at the NIH to develop Taxol, an anticancer drug that treats breast, lung, and ovarian cancers. Following the successful development of this anticancer drug, Bristol-Myers-Squibb was provided commercial rights and extensive government information on Taxol. Bristol-Myers-Squibb then turned around and sold the drug to consumers at roughly 20 times what the drug costs to produce. The result, a cancer patient taking Taxol today may pay in excess of $10,000 for the treatment, while the cost to Bristol-Myers-Squibb of manufacturing the drug is about $500.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very complex issue. The gentleman's amendment relates to the reasonable pricing clause that was in effect for NIH collaborative research until last April. The complexity of the issue has generated a great deal of controversy.

NIH very wisely conducted an extensive review of the policy, holding public hearings, consulting with scientists, patient and consumer advocates, and representatives of academia and industry. Dr. Varmus, the appointee of this administration, as Director at NIH, determined that, and I quote:

> The pricing clause has driven industry away from potentially beneficial scientific collaborations with the Public Health Service scientists, without providing an offsetting benefit to the public.

Mr. Chairman, the reviews also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. Other safeguards, such as termination clauses and public access requirements, are already built into NIH technology licensing process. In addition, NIH has issued a statement of objectives they intend to follow in licensing NIH patents. Except for the Bureau of Mines, no other agency, except NIH, has had a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision.

As I said, Mr. Chairman, this is a complex issue and one that has potentially very significant ramifications, both for future scientific progress and the growth of industries such as biotechnology. NIH has studied this issue extensively. I would like to rely on Dr. Varmus' judgment on the matter, and I would hope that Congress does not attempt to intervene in this process. Thus, I must oppose this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I must say that I can understand the position of the gentleman from Illinois, [Mr. PORTER] but I guess I would say after all of the decisions that have been made in this House tonight that have come down against average people and against common people, this is at least one decision that would be made on the side of common people, working people, and against the side of those who would gouge them. I personally, on behalf of this side, would accept the amendment.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia, [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Sanders amendment, because I believe it would restrict drug companies from producing the very medicines that save life prolong life, and improve life. We have the greatest biotech industry in the world, an industry that already spends $7 billion each year on its own research.

Yes, drug prices are high, but they are high for a variety of reasons, one of which is the cost of research is very high, and drug companies have to put up with so much interference from the Federal Government. If we try to regulate drug prices, as in this amendment, we will only make the critical voyage to discovery of new medicines more difficult.

Some people think that the Government should set prices for all drugs. I think that is wrong, and I am certain it is wrong for patients who ultimately benefit from the new medicines. It would also hurt the taxpayers, since the Government spends so much of our tax dollars on health care. The dollars spent by the taxpayers for basic research at NIH ultimately benefit the Government through lower medical costs, and more importantly, it benefits all patients. We should not do anything to obstruct the research drug companies are carrying out today.

Mr. Chairman, this amendment will hurt research and ultimately it will hurt patients. We cannot let this Government set any prices, but most certainly, not drug prices. I urge my colleagues to vote against this amendment.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, the cost of prescription drugs, especially for senior citizens in my State of Rhode Island, is prohibitively high. I am sure each one of us, if we went back to our districts and asked our senior citizens what they are concerned about, among other things on the top three of their list would be the cost of prescription drugs.

This amendment says that when the taxpayers foot the bill for research, they should not have to pay for it again at the prescription counter. Prescription drugs are the lifeline for so many Americans. They are also the key to the bottom line for some of our largest companies. During the 1980's, drug prices rose 152 percent. Profits also reached new heights. By 1990, the drug industry was the Nation's most profitable, with an annual profit, annual, on average of 13.6 percent. This is more than three times the profits of the Fortune 500 companies, so do not say there is not enough money for R&D in the drug companies' budgets.

The United States is the only industrialized Nation that does not regulate prices or profits on drug companies. We pay a price for that. In this country we spend 25 to 40 times the cost of prescription drugs in this country than they do in other countries around the world.

In light of these facts, the amendment of the gentleman from Vermont [Mr. SANDERS] is a pretty tame amendment. It basically says drugs developed by the taxpayers cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay first to develop these drugs through the NIH budget. Then they pay again when they try to pay for them, when they go to the hospital.

The Members know what we are talking about. It is up to the NIH to make this reasonable clause thing stick, and say:

> We are going to work with the drug companies, but we are not going to use taxpayer monies to come up with these drugs, and then allow these drug companies to run away with the R&D that we financed, so they can profit and send these exorbitant profits that these drug companies are making back on the stock market.

Make no mistake about it, these drug companies are making three times what the average Fortune 500 company is making, so I do not want to hear a lot about how we are going to gouge the drug companies if we do not permit them to use the taxpayer money, to use it for R&D.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, this amendment would deny NIH support for new drugs unless there are government price controls on approved drugs. The question is do we want price controls. The last time we had price controls was in the early 1970's. They were a total flop, a total failure. This amendment would take us back to the era of big government. Wage and price controls have been discredited since ancient times. I cannot believe that the people who are offering this amendment are serious. Rather than setting up more hurdles and more disincentives, we should give incentives to our companies to promote miracle drugs.

I ask the Members to look around them. There are people, right here in this Chamber, alive thanks to the drugs produced by the free enterprise system. If we are thinking human beings, we should encourage and provide incentives to the companies who produce and discover more miracle drugs. AIDS, cancer, heart disease, all cry out for cures, do they not?

We cannot have it both ways. We cannot strangle incentives and then complain about the lack of cures for these dreaded diseases. This amendment epitomizes basically the old, discredited, liberal welfare state philosophy. Today is the day of the opportunity society, and socialism is not in vogue. Let us not go back to the old, failed policies of the past. Let us look to the future. Vote against this wrongheaded amendment. Let us work for cures in AIDS, cancer, heart disease, and other dreaded diseases that plague mankind. Vote against this amendment.

Mr. SANDERS. Mr. Chairman I yield 2½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we have heard a bizarre version of reality from the other side of the aisle. First of all, let us talk about at what stage that 2 percent of the money that goes into research, in drug research in this country, is paid for by the taxpayers of the United States.

Often private companies enter into agreements with the NIH to develop new drugs using that public research.

In my State they developed a drug which came from a yew tree, a tree that grew on public lands. Here is the way it works: The taxpayers paid for all the research, we discovered and developed Taxol, the NIH entered into an exclusive agreement with one company, Bristol-Myers-Squibb, to sell that drug. The drug research was done by the taxpayers. The resource grew on public lands. The company got the profits. A $500 production cost dose of that critical cancer drug for ovarian cancer costs $10,000.

Now we are saying, ''Oh, well, these drug companies, we would not want to control their prices.'' Then if they do not want to have price controls, they should not benefit free from public research. That is the bottom line here. They are not paying the development costs; the taxpayers are. Then the taxpayers have to go out and pay for profit rates of 20 times the cost of production.

Mr. Chairman, this is, plain and simple, another ripoff. It is all about money. It is not only about taxpayer money, it is about political contributions; $357,500 in the first 2 months of this year were contributed to the Republican National Committee by the pharmaceutical industry. We can bet there will be a lot of righteous indignation on that side of the aisle tonight, because it is about what really runs this place, campaign contributions, and taxpayers' money, while we fleece them out of the other pocket by talking about free enterprise.

□ 2315

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me the time.

Mr. Chairman, I rise today in strong opposition to the Sanders amendment. This amendment would only succeed in preventing potentially promising new drug development that would benefit all Americans.

The Federal Government cannot be expected to do all research by itself. NIH has neither the mandate nor the resources to bring drugs to the commercial market. In order to speed the development of new life-saving drugs, NIH often benefits from working with business and this cooperation enhances the health of all Americans.

We should not be putting price controls on the development of new drugs as this amendment would do. The NIH reasonable pricing clause, which proponents of this amendment would like to reinstate, is a restraint on the new product development that the public has identified as an important return of their taxpayer dollars.

We need to be proactive in finding important new cancer drugs and in other significant health advances. One of NIH's statutory missions is to transfer promising technologies to the private sector for commercialization. Often government-industry joint collaborations are the most effective means of ensuring that promising new drugs are brought to market in the shortest possible timeframe.

The Director of the National Cancer Institute has said that the drug Taxol is the most important advance in the treatment of cancer in a decade.

We should not be afraid of industry making a reasonable profit on their R&D (research and development) expenditures. After all, a business needs to be able to recoup its return on investment and, in case you haven't noticed, we are a capitalist country not a socialist country. The U.S. pharmaceutical industry is one of the few sectors of the economy where we have a positive trade balance and this healthy private/public partnership has created a positive environment in which medical advances have proliferated and this has benefited all segments of our society. Clearly the taxpayers' investment wins a valuable return portion in jobs and public health.

This amendment would have the adverse effect of inhibiting the development of innovative medical breakthroughs and it would be contrary to the public interest. I urge my colleagues to oppose this amendment.

Mr. SARBANES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I think we ought to clarify this debate. We are not talking about the government controlling prices of pharmaceuticals and drugs. We are only talking about specific categories of drugs developed under research at taxpayers' expense. An example is Levamisole which was a drug, a veterinary drug, 6 cents a dose, they discovered they could use it to treat colon cancer. The company that took that government research and sold it then started selling that 6-cent drug for $6. So consumers across America got no benefit from the government research.

The same thing is true with Taxol. Government research developed this drug that cost $500, then it was sold to consumers by a private company for $10,000. At a time when health care costs are going through the roof, when we worry about the vitality of programs like Medicare, we have got to do what we can to help consumers across America.

The gentleman from Vermont [Mr. SANDERS] is merely promoting a policy which was accepted by this government under Republican administrations for years and years. I urge the Members to think twice about opposing this amendment which will help keep health care costs under control.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Vermont is recognized for 1 minute.

Mr. SANDERS. Mr. Chairman, this is not price controls. I am surprised to hear my colleague referring to George Bush as a socialist. He would be very upset about it. His administration developed this policy, because they believed quite correctly that if the taxpayers put money into the development of a drug, they have the right to get something out of that investment, that the company cannot simply charge any amount of money they want making that drug unaffordable to the American people. Let us stand up for the taxpayers. Let us stand up for the consumers. Let us vote for this policy that was instituted by George Bush.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 1½ minutes.

Mr. PORTER. Mr. Chairman, I would simply remind the gentleman from Vermont that the NIH has rejected this policy under the Clinton administration. I want to repeat what I said earlier. NIH has reviewed the policy extensively, they have held public hearings, they have consulted with scientists, patient and consumer advocates and representatives of academia and industry and Dr. Varmus determined that the pricing clause has driven industry away from potentially beneficial scientific collaborations with scientists from NIH without providing an offsetting benefit to the public. I think he has made a determination that we should respect. I would urge the amendment be rejected.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. EMERSON

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Limitation on Use of Funds.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Missouri [Mr. EMERSON] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. EMERSON].

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply say in the interest of time, there may be some problems with this. I think if there are, we can look at it in conference. In the interest of saving time, I would be willing to accept the amendment if we could move ahead.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for accepting the amendment.

Mr. Chairman, this amendment is very simple—money appropriated for the Department of Health and Human Services—or any other agency in this bill—shall not be used to fund the Federal EBT task force in any way. This task force is pursuing a nationwide Electronic Benefits Transfer system that uses an Invitation for Expression of Interest which limits procurement to only financial institutions, a noncompetitive procurement process.

Last May, the Subcommittee of Department Operations, Nutrition, and Foreign Agriculture, of which I am chairman held a hearing concerning the food stamp program and EBT. We heard from two States, Maryland and Texas, who did not limit their procurement and have non-financial institutions running their programs. They raved about their State EBT programs and the administration of those programs.

Several organizations have expressed concern that the EBT task force's method of procurement is unfair, including the Independent Bankers Association of America. When considering the fact that the EBT task force has limited the competition to financial institutions, one would not think a group like the Independent Bankers would be complaining. However, they write on July 12: ''The Independent Bankers Association of America believes that the strategy for the nationwide implementation of Electronic Benefits Transfers is unfair and anti-competitive for all but a few financial instituions.''

By opposing provisions in H.R. 4, the Personal Responsibility Act that exempt States from coverage under regulation E, the EBT task force has been criticized by such groups as the National Governor's Association, the National Conference of State Legislatures, the National Association of Counties, and the American Public Welfare Association. These organizations point to the EBT task force's position on regulation E as just one example of the task force's misguided policies. This regulation would require that States which deliver benefits through EBT to replace all but $50 of benefits in the event that cards are lost or stolen. Regulation E would cost States an additional $827 million per year for AFDC, Food Stamps, and general assistance. If regulation E remains on the books, the nationwide implementation of the Electronics Benefit Transfer system will be in jeopardy. Besides regulation E, H.R. 4 includes provisions to ensure state control of EBT. Yet, the EBT Task Force opposes these provisions too.

I recently wrote a letter with my distinguished colleague from California, Mr. CONDIT, to Treasury Secretary Rubin expressing our concern about the actions being taken by the EBT Task Force. We asked Secretary Rubin to suspend the present Invitation for Expression of Interest process and allow the Congress to work with the EBT task force, social service groups, and other interested public welfare associations. But the task force continues to move forward with the IEI non-competitive procurement system despite all the concerns expressed by the Congress and various public interest groups.

I want to make it exceedingly clear to my colleagues that I support EBT. In fact, I believe that EBT will play a fundamental role in comprehensive welfare reform. I simply want to ensure that States are given the opportunity and the flexibility to implement good EBT systems within their State.

We must give careful consideration to any role for the national government in the execution of EBT programs for State-administered Federal benefits. This amendment sends a clear message that when actions are taken that significantly affect the administration of benefits to millions of Americans, Congress must not and will not be shut out of the process. I strongly urge my colleagues to adopt this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LATHAM].

(Mr. LATHAM asked and was given permission to revise and extend his remarks.)

Mr. LATHAM. Mr. Chairman, I rise to support the amendment offered by Mr. EMERSON. The Federal Electronic Benefits Transfer Task Force is working to create a new Federal bureaucracy and restrict State control over EBT systems.

This amendment will halt the activities of the Federal EBT Task Force which has interfered with States' plans to develop EBT programs. This amendment will not in any way hinder the ability of every State to move forward with implementing EBT on their own. Six States have already set up EBT systems and 20 States are moving to do the same.

As Congress works to reduce the size of the Federal bureaucracy and give more authority to the States, I urge my colleagues to support this amendment and reduce funding for this big-government task force.

Mr. EMERSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. EMERSON].

The amendment was agreed to.

AMENDMENTS NO. 132 AND 133 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer two amendments, and in order to save time, I ask unanimous consent to have them considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 132 offered by Mr. MENENDEZ. Page 80, strike lines 13 through 22 and insert the following:

''(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;''.

Page 84, at the end of line 15, insert the following: ''In the case of an organization described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant.''

Amendment No. 133 offered by Mr. MENENDEZ: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available by this or any other Act may be used to pay the salary of any government official (as defined in paragraph (1) or (2) of section 4946(c) of the Internal Revenue Code of 1986) when it is made known to the Federal official having authority to obligate or expend such funds that there has been an act of self-dealing (as defined section 4941(d) of such Code, determined by treating such government officials as disqualified persons) between such government official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. PORTER. Mr. Chairman, reserving the right to object, we believe that the amendments may be subject to a point of order, and I would reserve a point of order until we make that determination.

The CHAIRMAN. The gentleman reserves a point of order. Does the gentleman object to the consideration en bloc?

Mr. PORTER. Mr. Chairman, we do not have copies of the amendments, so we would reserve the right to object until we can see the amendments.

Mr. MENENDEZ. Mr. Chairman, if the gentleman will yield, both of the amendments were printed in the RECORD.

Mr. PORTER. Mr. Chairman, further reserving the right to object, I would inquire of the gentleman whether it is 132 and 133; is that correct?

Mr. MENENDEZ. That is correct.

Mr. PORTER. Mr. Chairman, I object to their being considered en bloc because I believe there is a point of order against one of the amendments.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 132 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 132 offered by Mr. MENENDEZ: Page 80, strike lines 13 through 22 and insert the following:

''(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;''.

Page 84, at the end of line 15, insert the following: ''In the case of an organization described in paragraph (3) or (4) of section

501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant.''

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Pursuant to the order of the House of August 2, 1995, the gentleman from New Jersey [Mr. MENENDEZ] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

I hope that the gentleman will not insist on his point of order because this goes to the very heart of what the majority has tried to do in terms of the Istook amendment which is dealing with welfare for lobbyists and we just simply want to clarify it and improve upon that part which already exists under a legislating provision in an appropriations bill for which there are 29 different such provisions of legislating in this appropriations bill which have been protected under the rule, and, therefore, my understanding of the rules, is permitted to be amended once in fact it has been protected under the rule.

What we seek to do is to improve upon and assist with what the gentleman from Oklahoma [Mr. ISTOOK] is trying to do. What we do is three different things, or two in this particular amendment: One is deal with a question of political advocacy in self-dealing. The other one which is a question of value that is listed in the amendment which is presently part of the legislation as it exists, which is to now go forward from that thing of value and include tax exemption.

Let me get briefly to the heart of why we believe, if you believe in the first place as the majority has argued in the past amendment that was had by the gentleman from Colorado [Mr. SKAGGS] that it is a terrible feature to have the ability to have Federal dollars be used and in some way have those dollars shifted insofar as freeing up private dollars to be used for political advocacy or advocacy of a certain point of view, then it clearly must be as the intentions of the gentleman from Oklahoma [Mr. ISTOOK] was cited when he came in his testimony before the committee that both tax exemptions and tax deductibility are a form of subsidy that is administered through the tax system, a tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income, then clearly this amendment is in order. Let me go through why.

The fact of the matter is, is that if you believe that having a grant to an organization, that that permits them to free up private moneys, because you cannot use Federal moneys to go ahead and have advocacy, then it is clear that those who are enjoying nonprofit status and that lobby the Congress of the United States but that are receiving a benefit of fungible dollars because, in fact, such an exemption has the same effect as a cash grant under the case of Reagan versus Taxation with Representation of Washington, and if you also want to clean up what I heard wanted to be cleaned up, which is in fact using the resources of the Federal Government directly or indirectly to lobby the same Federal Government, then you also want to prevent self-dealing.

In that respect, I would point to some of the testimony that has been taken in this regard, look at what the Association for Retarded Citizens said when they contended that without their right to participate in litigation, the organization would not have been able to successfully sue the State of Pennsylvania which eventually led to the national recognition of the right of retarded citizens to a public education and they went on to contend that currently while they did not spend more than 5 percent of their budget for advocacy, the new definition would require including in the total activities not now included and therefore exploitive.

But let us get to why I believe that it was the intention of this amendment and it is proper to proceed that nonprofit organizations also be included.

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501(c)(3) tax-exempt organizations are limited in their lobbying by current law to produce and distribute materials which clearly violate the spirit of the restrictions of both current law and the proposed changes contained in the Istook amendment, simply by printing a disclaimer at the bottom of such materials declaring that their comments are not meant to be construed as lobbying.

We have seen a lot of those letters. As a matter of fact, on the Istook amendment, we had the National Taxpayers Union, that is a 501(c)(4) tax-exempt group, urging support for the amendment and also the defeat of the motions to strike it and clearly said, ''We are going to also rate you on this.'' But this is a clear example of lobbying undertaking with a subsidy of tax-exempt dollars.

Let us go to organizations closely linked to politicians, which, in fact, is in essence self-dealing. Let us look at the questions of the Progress and Freedom Foundation as an example of that. According to an Associated Press article of February 17 of this year, ''The Progress and Freedom Foundation made a substantial investment in Newt Gingrich during its first year in business.''

Now it goes on to say that ''Documents filed with the Internal Revenue Service and made public Thursday show that more than 80 percent of the tax-exempt think tank's first year expenses went to two programs that gave Mr. Gingrich national television exposure. The records show the foundation spent $460,000-plus in the period from April 1 of 1993 to March 31 of 1994. The largest expenditure, over $290,000, was related to sponsoring the broadcasts of Mr. Gingrich's college courses Renewing American Civilization. An additional $94,000 was raised by the foundation, which underwrote a televised call-in show in which Mr. Gingrich served as a co-host.''

It goes on to say, ''While Mr. Gingrich has no formal ties to the foundation, its president, Jeffrey Eisensack, previously, headed GOPAC,'' and it goes on to say that the foundation worked out of GOPAC's headquarters for several months. More than half of the money spent by the organization over the 20-month period from its founding, $632,000 was for the class and the call-in show, and as a not-for-profit organization, the foundation is exempt from taxes and donors can claim a charitable deduction on their income tax returns.

That is in essence what Roll Call wrote this week in their front-page article about the questions and the concerns about these type of organizations and self-dealing.

If we believe that it is wrong to permit a nonprofit group that comes and receives a grant to go ahead and lobby the Federal Government through their private resources, not their Federal dollars, which is against the law, then it must also be the intention to stop those nonprofit organizations that receive tax deductibility and therefore by doing so have fungibility of Federal dollars that all of us as Federal taxpayers participate in and for which they receive those who contribute a deduction.

Then it must be the intent clearly to include those so that we can level the playing field and stop that undue political influence, and also to look at organizations that continuously lobby the Federal Government, give us letters, and tell us, ''This is the way you should be voting, this is the way we believe in,'' and in fact have the benefit of Federal dollars through tax exemption as well. That must be. It must be in the purity of the desire which needs to be addressed in the Istook amendment.

Therefore, I believe our amendment is in order, and if not, then we see the hypocrisy of those who would silence voices that in fact receive what they consider a fungible benefit, a benefit that is transferable because they receive a Federal grant and cannot use that money but in fact have private resources to be able to use.

We want to stop that, but we would not stop organizations by which an individual, a Member of this Congress, for example, could go ahead and use that tax-exempt organization, get the benefits, the fungible benefits of taxpayer dollars or another organization who lobbies a certain view, a certain idealistic view and continues to promote it, receives the benefit of tax-exempt dollars, and not be able to go

ahead and stop those because we believe that those are okay but ours are not. It simply does not make sense. If we want to in fact keep the integrity of what is being suggested wants to be stopped, we should be pursuing the amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order because the amendment proposes to change existing law and constitutes legislation on the appropriations bill and violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. MENENDEZ. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, let me just say I am shocked that in fact you want to persist on a point of order when this bill has been legislated 29 times. There is legislation in the appropriations bill. You also so eloquently stated that you wanted to be sure that in fact the Federal Government did not use its dollars in any way, directly or indirectly, to be lobbied and therefore to seek even greater dollars to be spent on behalf of those causes, yet there is an objection.

I would urge the Chair that based upon the fact that this is already protected under the rule and therefore subject to amendment and the amendment simply deals with the questions of advocacy which is dealt with under the protected part of the bill by the rule and with the question of a thing of value which we extend to tax exempt that it is appropriate to have the amendment proceed.

The CHAIRMAN. The Chair is prepared to rule.

The pending text title VI of the bill, comprises extensive legislative language permitted to remain in this general appropriations bill by House Resolution 208. The provisions of title VI establish a set of restrictions on Federal ''grantees'' who engage in ''political advocacy.'' In the pending text, the term ''grant'' includes a range of payments and benefits in cash and in kind.

The amendment offered by the gentleman from New Jersey proposes to include additional legislation by extending the range of the term ''grant'' to include certain benefits derived from a specified tax status which, in turn, derives in part from unrelated criteria.

The Chair finds that the amendment does not merely perfect the legislation already in the bill. Rather, the amendment proposes additional legislation, in violation of clause 2 of rule 21.

The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MENENDEZ. Mr. Chairman, do I understand the Chair's ruling to say that you are calling the amendment out of order in view of the fact that it wishes to extend that which is a thing of value to something that we determine to be nonprofit and that therefore those people who take advantage of such a nonprofit organization for political purposes to lobby the Government of the United States, that that is out of order?

The CHAIRMAN. The ruling of the Chair speaks for itself.

AMENDMENT NO. 130 OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 130 offered by Mr. SAM JOHNSON of Texas: Page 88, after line 7, add the following new title:

TITLE VIII—OTHER PROGRAMS

PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

SEC. —.In addition to amounts otherwise provided in this Act, for carrying out programs under the head ''SCHOOL IMPROVEMENT PROGRAMS''; for carrying out programs under the head ''VOCATIONAL AND ADULT EDUCATION, respectively, $50,000,000 and $100,000,000, to be derived from amounts under the head ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'' $60,000,000: *Provided*, That, notwithstanding any other provision in this Act, none of the funds under the head ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'' shall be expended from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

The CHAIRMAN. Pursuant to the order of August 2 1995, the gentleman from Texas, Mr. SAM JOHNSON, will be recognized for 10 minutes, and the gentleman from Wisconsin, Mr. Obey, will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as you may or may not know, this is not the original amendment that I offered. My original amendment completely eliminated funding for the Agency for Health Care Policy and Research and used the savings for deficit reduction. However, it became necessary to make changes and offer the compromise that is before us today.

I have chosen to support this compromise amendment because it accomplishes two goals.

First, I believe that a cut of $60 million is an important first step toward the total elimination of this Agency. Next year, we can fight for total elimination of this Agency. We owe that to the taxpayers of this country.

The second, and most important part of this compromise, is the stipulation that AHCPR will not be able to continue to take $5.8 million each year from the Medicare trust fund as they have been doing since their creation in 1989.

Whether the Agency is eliminated or not, this house can not, in good conscience, take money from our Medicare system which will be broke by the year 2002. So, by supporting this amendment, you will be increasing the Medicare trust fund by $5.8 million.

I would like to share with you how AHCPR uses Medicare funds and its appropriated moneys. They are used to produce studies such as, and I quote, ''Cardiologists Know More About New Heart Attack Treatments Than Primary Care Doctors''—and quote—the ''Doctor-Patient Relationship Affects Whether Patients Sue for Malpractice''.

Can you believe that a Government that has a $5 trillion debt take money from Medicare and spends millions on an agency that produces these types of reports and a host of others that are duplicative and useless.

The Office of Technology Assessment has concluded that AHCPR's guideline program is one of 1,500 such efforts performed by both the Federal Government and the private sector.

It is obvious that we do not need to fund this Agency that employs 270 bureaucrats and in 6 years has spent 778 million taxpayer dollars—$29.4 million of which has been siphoned off from the Medicare trust fund.

Let me reiterate this point. If we don't pass this amendment, $5.8 million will be taken out of Medicare next year and every year after that. In 7 years when Medicare goes broke, this agency will have stolen $80 million from our senior citizens.

The American people want a balanced budget. They want the Government to stop spending their money on things that we don't need and can't afford. And we don't need, nor can we afford, the Agency for Health Care Policy and Research. A better name for this Agency would be the Agency for High Cost Publications and Research.

I urge members to help lower the deficit, help save Medicare, and help protect taxpayers from having to fund a needless bureaucracy—help save medicare—vote for this amendment.

I would hope that the gentleman would help us accept this.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Texas, Mr. SAM JOHNSON, has asked if I would accept his amendment. Let me say I have great misgivings about it. I agree with the gentleman from California [Mr. THOMAS] on this, and I agree with the gentleman from Texas [Mr. ARCHER].

I am very reluctant to accept the amendment. I guess I could be persuaded to do so provided that my colleagues understand one thing: When you propose to cut Medicare by $270 billion, what you are telling the American people is that you can do it all without hurting senior citizens. I very, very deeply question that, but if we are

to minimize the hit on recipients of Medicare, we have to know how we can save money by eliminating waste in Medicare.

This agency which you are cutting is the agency that is supposed to supply us with that information by doing the outcomes research that they do. I was going to read a whole series of examples of how we have had major savings in health care costs on a number of procedures, but in the interests of time I will not, with this simple statement: I will for the moment accept this simply because it helps on the vocational education side, but I think it is going to be essential, if this turkey of a bill ever manages to squeak out of this place, I think it is going to be essential for us to repair the damage in conference to this agency, because without it you can kiss goodbye any hope that you can cut any money out of Medicare without a substantial clobbering of senior citizens.

Mr. CHRISTENSEN. Mr. Chairman, I rise in support of the Johnson amendment.

While I wish we were eliminating the Agency for Health Care Policy and Research [AHCPR] as the original amendment proposed, I'm all in favor of cutting $60 million from an agency that is:

First, it is duplicative, since AHCPR is one of 10 Federal agencies that performs technology assessments; and

Second, it is wasteful, given such important published findings as ''Cardiologists Know More About Heart Attack Treatments than Primary Care Doctores.''

Most importantly, this amendment will return almost $6 million to the Medicare Trust fund, a fund that is slated to go broke in just 7 years.

If you are truly concerned about restoring fiscal sanity to our Federal Government, if you are truly concerned about the future of our Medicare system, then you will support the Johnson amendment.

Mr. CUNNINGHAM. Mr. Chairman, this amendment cuts appropriations for the Agency of Health Care Policy Research by half. It generates savings of $60 million in budget authority, and $18 million in outlays. The savings is then transferred to two high-priority education programs.

The merged Chapter 2-Eisenhower Professional Development Program receives $6 million in outlays, generating $50 million in budget authority.

And the Carl Perkins Vocational Education Basic State Grants Program receives $12 million in outlays, generating $100 million in budget authority.

The amendment is outlay neutral. It stays within the 602(b) budget allocation of the Labor-HHS-Education bill. In short, we have to evaluate our priorities. While health policy research is important, the education of our children is more important.

It has the support of the authorizing and appropriating subcommittee and full committee chairmen, and the support of the leadership.

Mr. BONILLA. Mr. Chairman, in our subcommittee I have been asking questions of the AHCPR for more than 3 years now.

For 3 years, I have tried to question whether or not this Agency was duplicative and questioned some of the researchers motives and biases.

Each year I was told this Agency was doing wonderful work and I should support it. However, I keep questioning what it does.

In the 5 years AHCPR has been around it has released 15 guidelines, an average of 3 per year. The AHCPR has spent over $775 million during that same time.

Anyone who produced so little in the private sector would be fired. In fact the private sector during the same time published 1,800 guidelines.

This year the Physician Payment Review Commission reported to Congress and stated that the guidelines produced by AHCPR are having little impact on clinical practice, are difficult to implement, and are used infrequently by the private sector.

With budgets tight, Congress should consider the Texas example. Under the authority of the Texas Workers Compensation Commission, a committee comprised of representatives of the general public, medical professionals, and representatives of the insurance industry generated clinical practice guidelines that are user friendly, practical, and expected to improve the quality of patient care at a reduced cost.

The participants involved in this process donated their time, and even paid their own expenses. All this was undertaken against a backdrop of major reform of the Texas workman's compensation laws, reforms which reduced the number of lawsuits, raised the amount of compensation available to injured workers, and transformed a budget deficit into a budget surplus.

Unfortunately for the AHCPR, the new Congress is beginning to treat do-nothing agencies the same way the free market treats donothing businesses.

Vote ''yes'' on the Johnson amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SAM JOHNSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLECZKA:

Page 88, after line 7, insert the following new title:

TITLE VII—CPI INDEX

SEC. . None of the funds made available in this Act may be used by the Bureau of Labor Statistics to implement a change in the consumer price index (which is used to determine cost of living adjustments for such programs as social security) except when it is made known to the Federal official to whom the funds are made available that the House of Representatives and the Senate have authorized a change in such index based upon a comprehensive revision of the market basket.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Wisconsin [Mr. KLECZKA] and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLECZKA].

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. KLECZKA. Mr. Chairman, if the gentleman does not mind, I will explain the amendment. Mr. Chairman, we will not use the 10 minutes. I would like to briefly explain what the amendment does and then yield briefly to the gentleman from Massachusetts [Mr. FRANK], my colleague and the coauthor of the amendment.

Right now the Bureau of Labor Statistics is going through a very comprehensive revision of the CPI and they are looking at all the various components of market basket. In this bill we provide some $11 million for that exercise and some 60 people.

We do not in this amendment impede that exercise. It is something that is done every 10 years. It is necessary to do. However, we anticipate some major changes are going to be made in the CPI, the index which drives many programs around here, especially the Social Security Program.

Because of the fact that there is going to be a rather large impact, it is the desire of the authors of the amendment not to have some faceless bureaucrat make those downward changes in 1999, but have this Congress the Members of the House and Senate look at that, take it up, talk about it, and then pass on it.

What brought this to my attention, Mr. Chairman, is the fact that in the budget resolution that we originally addressed in the House, there was a $22.8 billion reduction in Social Security benefits because this change was anticipated. Those dollars are being used in these budget resolutions for deficit reduction.

Once it went to conference, the Senate modified that and they indicated that this reduction, which is currently being worked on, we do not know what it is going to be for sure, however, they guesstimate that it will entail some $7.6 to $8 billion cut in Social Security benefits.

The reason that it is so important at this time is for us to sit idly by and let a bureaucrat reduce COLAs, reduce Social Security in this country for our senior citizens, while we know full well, and the gentleman from Wisconsin just addressed that, we are going to be looking at a $270 billion cut in Medicare.

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I happen to serve on the Subcommittee on Health in the Committee on Ways and Means, which will be addressing that massive cut. To think that there will be no effect on the seniors of this country is totally mistaken. There are going to be massive changes in out-of-pocket expenses, in deductibles being paid, so that, coupled with a decrease in COLA, is sure going to provide a real problem for our seniors.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

The balanced budget that the Republicans have put forward is balanced only because in part it assumes that older people who get Social Security cost-of-living increases will get less than they would get under the current rules. What the Republican budget proposes is that the amount by which older people are compensated for inflation be substantially reduced.

As my friend, the gentleman from Wisconsin, said in the House budget that went through, the cumulative total in 2002, the first year of budget balance which comes from a reduction in what would otherwise have been paid to older people under the Consumer Price Index cost of living, is $22.6 billion. Members will remember we tried to say you could not count a reduction in Social Security cost-of-living payments as part of your budget balancing, and that was rejected, and it was rejected for a good reason, because the Republican budget is not in balance unless they succeed in getting a lower Consumer Price Index compensation.

What the gentleman from Wisconsin is saying is we should vote on that, and the reason I think that justifies it is this: We did not politicize that CPI. The Speaker said earlier this year that he would abolish them if they did not reduce the CPI. He backed down on that, but that threat is still hanging over there.

So we have had the high-level Republican leadership tell the CPI they would be abolished, the Bureau of Labor Statistics, they would be abolished if they did not cut it back. We have the Republican budget resolution, which assumes the Bureau of Labor Statistics will reduce the CPI that older people living on $8,000, $9,000, $10,000 a year will get less for inflation. If they live in assisted housing, their rent will go up when they get less money to pay for it.

What we are saying is, given the threats that have been made, given this budget assumes the cost-of-living increase will be reduced, given that the Republican budget is balanced only if you assume older people get less money than they would now be entitled to get for inflation, we should vote on that, because we do not think the Bureau of Labor Statistics should be pressured without a vote, but by political threats and other things, into making that downward reduction.

That is all the gentleman is saying. I think it is the least we can do.

Mr. KLECZKA. Mr. Chairman, let me indicate my gratitude to the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for accepting the amendment.

I will not ask for a recorded vote. However, I will trust their good faith to take this to the conference and fight for it, although I am quite nervous over that happening without a rollcall vote, but nevertheless let that happen, and I will be watching.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to be heard in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. KLECZKA].

The amendment was agreed to.

Mr. GRAHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the subcommittee chairman, Mr. PORTER in a colloquy with regard to increasing funds for the Vocational Education Basic State Grant Program to the postrescission level. As you know the Economic and Education Opportunities Committee recently reported a bill which consolidates over 35 education and job training program into one Youth Development and career preparation block grant and reduced the funds for this program by 20 percent. The bill we are considering today further cuts the Vocational Education Basic State Grant Program from that reduction. My colleague, Congressman SAM JOHNSON's amendment adds $100 million to that program and I had an amendment to increase that amount by $15 million which almost reaches the post-rescission level for this program. I do not plan to offer this amendment because I understand the gentleman will work to restore the Vocational Education Basic State Grant Program to the post-rescission level in conference.

Is that your understanding?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, yes, I will assure the gentleman that I will do everything I can to restore funds to the Vocational Education Basic State Grant Program to the postrescession appropriation level.

Mr. GRAHAM. I thank the gentleman and look forward to working with him on this effort.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. EWING

Mr. EWING. Mr. Chairman, I offer an amendment, amendment No. 19.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EWING: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Illinois [Mr. EWING] will be recognized for 10 minutes, and a Member will be recognized in opposition for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is to address a rather simple problem dealing with our student loan problem.

In the Higher Education Act of 1992, there were some requirements for audits of all lenders who participate in the Federal family education loan program. Small banks and credit unions which maintain service and provide student loan portfolios have found that this audit requirement is very expensive and, in many cases, consumes almost all of the profit from the loans which they make, they usually make on small portfolios, from $3,000 to $5,000.

The audits have cost from $2,000 to $14,000. We can see that this very clearly forces small lenders out of the business of lending to students.

Recently, I contacted the Department of Education about a waiver, and they said that was not possible.

I have absolutely no doubt that this was not the intention of this Congress. The office of the inspector general at the Department of Education has also expressed concern regarding the burden and stated, ''We are concerned that the costs may outweigh the benefits of the legislative required annual audits.''

These audits are not even required to be filed in Washington. They are put in a drawer and left in the local bank.

I would ask that this amendment be approved which merely, for a 1-year period, says this audit requirement for banks with less than $5 million in student loans will not be enforced until the authorizing committee can correct this inequity.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would hope that both sides would accept this amendment for the sake of students and give us that year. What has happened was not intended with the reauthorization of the legislation in 1992.

If we have a year, we can work out what the inspector general has indicated should be done. So give us a year and we can correct it and at the same time we will not cause any students to lose loans because we have taken away the very lenders that should be out there who cannot afford to do it, of course, if the audit is higher than their loan portfolio.

Mr. EWING. Mr. Chairman, I appreciate that assurance from the chairman of the committee.

Mr. Chairman, in partnership with Mr. LEWIS of Kentucky, I have introduced an amendment to H.R. 2127 which will eliminate funding for an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Act of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive,

comprehensive annual audits on their student loan portfolios.

In our respective districts, the gentleman from Kentucky and I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to around 3 to 5 thousand dollars annually, while the audit require by the Department of Education costs anywhere from 2 to 14 thousand dollars annually. As you can see it is beyond common sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to the smaller lenders who wish to service and maintain student loans and it reduces consumer choice and convenience. If this policy is enforced this Congress will effectively cut small lenders out of the student loan business and deny consumers the opportunity, especially in rural areas, to receive personal attention at their local bank.

Recently, I contacted the Department of Education about the possibility of a waiver or alternative to this detrimental mandate. The Department stated, ''* * * lender audits are required by statute * * *'' and that the ''* * * statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of the audit.'' Furthermore, according to the Department of Education's Office of the Inspector General, lender portfolios totaling less than 10 million dollars do not even have to send their audit to the Department for review. They are only required to ''* * * hold the reports for a period of three years and shall submit them only if requested.'' That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere. I have no doubt that protecting the integrity of the student loan program is important to all of us. However, this current situation does not protect any portfolios under $10 million because no one reviews the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed concern regarding this burden in their Semiannual Report (October 93–March 94) stating, ''* * * we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of their participation or the risk they represent to the program.'' In this report the Inspector General recommends that a threshold be established for requiring an institutional audit, ''* * * and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden from the smaller participants in the program while helping assure that scarce Departmental resources are focused on the areas of greatest risk.''

The Ewing/Lewis spending limitation amendment will strike funding for the enforcement of the audit requirement on loan portfolios equal to or less than $5 million dollars in fiscal year 1996. We believe this amendment is important to the future involvement of many institutions' participation in the FFEL program.

While by now many lenders have either complied with the audit or sold their portfolios for fiscal year 1995, we must provide relief to those lenders who still own their portfolios in the next fiscal year. The Ewing/Lewis amendment works in concert with the Department of Education and the authorizing committee which have both expressed the need for an audit threshold.

Mr. Chairman, the Ewing/Lewis amendment is simple. It strikes funding for enforcement of a bad statute until Congress has the opportunity to fix this legislation. The Congressional Budget Office has reviewed this amendment and said that it is revenue neutral. This amendment will help the little guy in the student loan business and ensure consumer choice and convenience. I urge a ''yes'' vote on the Ewing/Lewis amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply say very quickly that I come from a rural district. I have many small financial institutions, and I suspect that what the gentleman is trying to accomplish may very well be right on the button. I do not want to suggest that it is not.

But I have to say this: It is now 5 minutes to midnight. We are talking about taxpayers' money, and what the amendment does is to exempt from audit requirement a number of financial institutions who deal with this program. I am certain that the authorizing committee has the capacity to come up with the kind of exemptions that we ought to provide for those financial institutions.

With all due respect, I do not think that 20 people on this House floor have any idea what we ought to be doing on this tonight. And because we are talking about taxpayers' money, because I have a funny quality of not liking to be embarrassed by finding that some strange things have happened with taxpayers' money, I am reluctant to just say we are going to exempt these folks from audit, because I think there might be another way.

So I am not going to press this. I am not going to push it to rollcall or anything like that. If the gentleman from Illinois [Mr. PORTER] wants to accept it, that is his prerogative on behalf of the committee.

I simply say I have great misgivings, and even it is accepted, I want to say that I will have to be very, very much persuaded in conference before we allow this to move ahead.

Mr. Chairman, I reserve the balance of my time.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I do accept the amendment.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. LEWIS], my coauthor of this amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, this amendment is good for young men and women who need a loan to go to college.

That's what the Ewing-Lewis amendment is about.

I believe Members on both sides of the aisle agree that we need to reduce the regulatory burden on businesses and private citizens.

Many regulations are too expensive, too burdensome and just plain silly.

The Ewing-Lewis amendment would do away with such a regulation—a regulation that threatens the student loan program.

Three years ago the Higher Education Amendments Act was passed. Just months ago, and 3 years later, the Office of the Inspector General came up with a gem: Every bank and credit union will have to conduct an independent, retroactive audit of their student loan program.

It might sound like a decent idea.

Unfortunately, the audits will cost between $3,000 and $14,000—perhaps more. That's going to cause many of the smaller banks and credit unions in Kentucky's 2nd district—and all over the U.S.—to give up on student loans.

A credit union in Bowling Green, Kentucky has reduced their loan portfolio from $3 million last year to $300,000 this year—yet they'll still have to fork over between $3,000 and $5,000 for each audit.

This money is not in the credit union's budget—so other services will be affected.

The Kentucky Credit Union League says many members are getting out of the student loan business altogether—they said this regulation is the last straw.

Mr. Chairman, these are not huge, rich institutions. They're banks and credit unions made up of farmers, small business men and women, and middle-income folks.

Banks and credit unions are already subject to four separate audits.

The Ewing-Lewis amendment would exempt banks and credit unions with less than $5 million in student loans from this regulation—which takes effect this September 30th.

Mr. Chairman, we need to make it easier for students to obtain college loans—and we need to encourage banks and credit unions to make these loans.

This regulation is heading towards small banks and credit unions like a freight train—and it's going to derail the student loan program when young men and women need it most.

I urge my colleagues to vote ''yes'' on Ewing-Lewis and say ''yes'' to allowing students to continue to seek college loans.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LATHAM].

(Mr. LATHAM asked and was given permission to revise and extend his remarks.)

Mr. LATHAM. Mr. Chairman, I am inserting in the RECORD a statement in favor of the amendment.

Mr. Chairman, I rise in strong support of the Ewing Amendment to provide regulatory relief to small lenders who participate in the student loan program.

We talk so much in this House about supporting education, and every one of us here tonight can do that by voting for this amendment.

Small community financial institutions in my district have been calling my office to let me know that they may stop participating in the program because the costs of these audits exceed the entire value of their student loan portfolios.

Faced with that situation, they have no alternative but to stop providing loans.

That denies young people in my district access to the loans they need to finance their education.

I would like to commend Mr. EWING and Mr. LEWIS for offering this amendment. Also, I'd like to thank both Chairmen GOODLING and PORTER for being very helpful and receptive when I first brought my concerns with this situation to their attention.

Finally, I'd like to say to President Clinton that this is one education problem we can solve without spending a penny—in fact we will save some money by correcting this provision.

I hope all of you will join us in supporting this amendment and I hope the President will move to announce a waiver from this regulation for small lenders so that small lenders won't drop out of the student loan program.

Mr. EWING. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Illinois Mr. EWING and I do so wearing two hats.

As my colleagues know, I chair the Financial Institutions Subcommittee of the Banking Committee. Additionally, I am the third-ranking member of the Committee on Educational and Economic Opportunities. On that Committee, I have worked long and hard to restore and ensure the integrity to our various title 4 federal student assistance programs.

In many respects, the 1992 Higher Education Act was landmark legislation because it finally, finally took aim at the scam schools—schools that were ripping off their own students and the taxpayers.

Mr. Chairman, that Higher Education Action contained over 100 new provisions designed to crack down on a range of abuses. Frankly, we got it right on most of these integrity provisions. But we're here this evening talking about one reform that needs fine-tuning. And that is the provision that requires independent audits for every bank's student loan portfolios.

The Ewing amendment is a common-sense amendment. It would exempt from these auditing requirements banks with small student loan portfolios—under $5 million.

As a Member of the Opportunities Committee, I recognize the need for the Department of Education to monitor student lenders. But the Department and the guaranty agencies already have the authority to examine portfolios. That means these mandatory independent audits are redundant.

As the Chairman of the Financial Institutions Subcommittee, I am keenly aware of the regulatory burden these types of audits place on small banks. Because of their special nature, in many cases these audits completely overwhelm the bank's yield on the loans. (There's the story of the small bank that made $60.14 in loan origination fees for its one student loan but is being forced to pay for a $3,500 audit or be in violation of law.)

Obviously it will not take long for these banks to fold their tents and withdraw from the battlefield. To quit the program. And I submit that it won't take too many of these withdrawals to accelerate any developing access problems.

Mr. Chairman, I support the Ewing amendment. And I look forward to working with the gentleman and the small banking communities to find a permanent ''fix'' for this problem.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I rise in support.

Mr. Chairman, this Member rises in strong support of the Ewing amendment.

Without this amendment, on September 30, 1995, all guaranteed student lenders will be required to submit to unnecessary, expensive, and counterproductive audits. Small community lenders will be forced out of the guaranteed student loan program. They will not be able to offer this service to their customers in their small towns because the compliance costs will simply be too high for the lenders to be able to afford the program.

One lender has been informed that an audit of their $3.5 million portfolio will cost eleven thousand dollars. Costs that high will outweigh any profit a lender could make and will drive lenders from the program. Students will face a lack of loan availability, and small lenders will lose one more avenue to serve the credit needs of their communities.

Even the Department of Education admits that these audits are unnecessary for lenders with small portfolios of loans. The Department of Education, Federal and State financial institution regulators, and student loan guarantee agencies already conduct financial and compliance audits of lenders. And now, unless this amendment is passed, those lenders will be required to submit to expensive, retroactive audits for student loans made in 1993 and 1994. As a lender in this Member's district wrote, ''This is a classic example of legislation that inequitably impacts independent businesses by capriciously forcing us to retroactively pay charges that were completely unknown to us at the time.''

Mr. Chairman, the audit requirements for lenders with small portfolios will reduce loan availability, harm small lenders' ability to serve their communities, and will gain nothing for the Federal Government.

The distinguished gentleman from Illinois is to be commended for this commonsense amendment. This member is pleased to support him, and urges support for the Ewing amendment.

Mr. EWING. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. EWING].

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

□ 2400

Mr. Chairman, I believe that we are at the end and if we are I would simply want to say that the most that can be said about this bill, or everything that can be said about this bill has been said, I hope.

I do not want to take any more time than necessary. I simply want to say this is one mean and ugly piece of work. It makes deep cuts in programs that protect workers' pension, health benefits frauds, industrial accidents, and the right to request for pay and better working conditions.

It cuts buildings and Federal payments to local school districts. It will force educational quality to go down and property taxes to go up.

It hammers vulnerable Americans, devastates training programs, and cuts student loans.

For the first time in 37 years this bill will provide no contribution to the national defense education loan fund. It devastates training programs.

We are quick in this Congress to promise training when we are rounding up votes for some new trade deal that will boost the profits of big multinational corporations, but when it comes to paying for that training we forget about our commitments, do we not?

That is what has happened, is it not?

The bad news does not end there. We also have legislation which is loaded with special interest provisions. It is a tool by which the rights of citizens affected by this legislation to petition Congress and make their views known is being denied and squelched in many ways.

I would say all in all that this is the most vicious exercise of public power that I would ever hope to see in this democracy on an appropriation bill. I hope the American people wake up very soon to what is going on.

This is an antieducation, antiworking family, antiwoman, antiopportunity appropriation act of 1995. It would end the bipartisan commitment to education, to worker dignity, to dignified retirement that has existed in this House for as long as I have been here.

I will simply say this, it is up to Republicans, who I know are troubled with the extremism of this bill, to decide whether this bill will succeed in breaking that bipartisan commitment.

I hope that you do not let it do it so that we can send this bill back to committee, repair the 602 allocation, remove the imbalances that presently are demonstrated in this bill, and resume the bipartisan commitment regardless of which party is in control of this joint, resume the bipartisan commitment that this country simply

must have if we are to make the investments we need and move this country forward.

The CHAIRMAN. Are there other amendments to the bill?

If not, the Clerk will read the last 3 lines.

The Clerk read as follows:

This Act may be cited as the ''Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996''.

AMENDMENT NUMBER 63 OFFERED BY MR. SANDERS

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on amendment number 63 offered by the gentleman from Vermont [Mr. SANDERS].

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 141, noes 284, not voting 9, as follows:

[Roll No. 624]

AYES—141

Abercrombie	Furse	Ortiz
Ackerman	Gephardt	Owens
Baldacci	Gibbons	Pastor
Barcia	Gonzalez	Payne (NJ)
Barrett (WI)	Green	Poshard
Becerra	Gutierrez	Rahall
Beilenson	Hall (OH)	Rangel
Berman	Hefner	Reed
Bevill	Hilliard	Rivers
Bishop	Hinchey	Rohrabacher
Bonior	Holden	Rose
Borski	Jefferson	Roybal-Allard
Brown (CA)	Johnson (SD)	Rush
Brown (FL)	Johnson, E. B.	Sabo
Brown (OH)	Johnston	Sanders
Bryant (TX)	Kanjorski	Schroeder
Clay	Kaptur	Schumer
Clayton	Kennedy (RI)	Scott
Clement	Kildee	Serrano
Clyburn	Kingston	Shays
Coleman	Kleczka	Skaggs
Collins (IL)	LaFalce	Skelton
Collins (MI)	Lantos	Slaughter
Conyers	Lewis (GA)	Spratt
Costello	Lincoln	Stark
Coyne	Lipinski	Stokes
de la Garza	Lowey	Studds
DeFazio	Luther	Stupak
Dellums	Maloney	Tanner
Dicks	Manton	Tejeda
Dingell	Martinez	Thompson
Dixon	Mascara	Torres
Doggett	Matsui	Torricelli
Doyle	McDermott	Towns
Duncan	McHale	Tucker
Durbin	McKinney	Velazquez
Edwards	McNulty	Vento
Engel	Miller (CA)	Visclosky
Evans	Mineta	Volkmer
Farr	Minge	Ward
Fattah	Mink	Waters
Fazio	Moran	Watt (NC)
Fields (LA)	Murtha	Waxman
Flake	Nadler	Wilson
Foglietta	Oberstar	Wise
Ford	Obey	Woolsey
Frost	Olver	Wyden

NOES—284

Allard	Gejdenson	Morella
Archer	Gekas	Myers
Armey	Geren	Myrick
Bachus	Gilchrest	Neal
Baesler	Gillmor	Nethercutt
Baker (CA)	Gilman	Neumann
Baker (LA)	Goodlatte	Ney
Ballenger	Goodling	Norwood
Barr	Gordon	Nussle
Barrett (NE)	Goss	Orton
Bartlett	Graham	Oxley
Barton	Greenwood	Packard
Bass	Gunderson	Pallone
Bentsen	Gutknecht	Parker
Bereuter	Hall (TX)	Paxon
Bilbray	Hamilton	Payne (VA)
Bilirakis	Hancock	Pelosi
Bliley	Hansen	Peterson (FL)
Blute	Harman	Peterson (MN)
Boehlert	Hastert	Petri
Boehner	Hastings (FL)	Pickett
Bonilla	Hastings (WA)	Pombo
Bono	Hayes	Pomeroy
Boucher	Hayworth	Porter
Brewster	Hefley	Portman
Browder	Heineman	Pryce
Brownback	Herger	Quillen
Bryant (TN)	Hilleary	Quinn
Bunn	Hobson	Radanovich
Bunning	Hoekstra	Ramstad
Burr	Hoke	Regula
Burton	Horn	Richardson
Buyer	Hostettler	Riggs
Callahan	Houghton	Roberts
Calvert	Hoyer	Roemer
Camp	Hunter	Rogers
Canady	Hutchinson	Ros-Lehtinen
Cardin	Hyde	Roth
Castle	Inglis	Roukema
Chabot	Istook	Royce
Chambliss	Jackson-Lee	Salmon
Chapman	Jacobs	Sanford
Chenoweth	Johnson (CT)	Sawyer
Christensen	Johnson, Sam	Saxton
Chrysler	Jones	Scarborough
Clinger	Kasich	Schaefer
Coble	Kelly	Schiff
Coburn	Kennedy (MA)	Seastrand
Collins (GA)	Kennelly	Sensenbrenner
Combest	Kim	Shadegg
Condit	King	Shaw
Cooley	Klink	Shuster
Cox	Klug	Sisisky
Cramer	Knollenberg	Skeen
Crane	Kolbe	Smith (MI)
Crapo	LaHood	Smith (NJ)
Cremeans	Largent	Smith (TX)
Cubin	Latham	Smith (WA)
Cunningham	LaTourette	Solomon
Danner	Laughlin	Souder
Davis	Lazio	Spence
Deal	Leach	Stearns
DeLauro	Levin	Stenholm
DeLay	Lewis (CA)	Stockman
Deutsch	Lewis (KY)	Stump
Diaz-Balart	Lightfoot	Talent
Dickey	Linder	Tate
Dooley	Livingston	Tauzin
Doolittle	LoBiondo	Taylor (MS)
Dornan	Lofgren	Taylor (NC)
Dreier	Longley	Thomas
Dunn	Lucas	Thornberry
Ehlers	Manzullo	Thornton
Ehrlich	Markey	Tiahrt
Emerson	Martini	Torkildsen
English	McCarthy	Traficant
Ensign	McCollum	Upton
Eshoo	McCrery	Vucanovich
Everett	McDade	Waldholtz
Ewing	McHugh	Walker
Fawell	McInnis	Walsh
Fields (TX)	McIntosh	Wamp
Flanagan	McKeon	Watts (OK)
Foley	Meehan	Weldon (FL)
Forbes	Meek	Weldon (PA)
Fowler	Menendez	Weller
Fox	Metcalf	White
Frank (MA)	Meyers	Whitfield
Franks (CT)	Mfume	Wicker
Franks (NJ)	Mica	Wolf
Frelinghuysen	Miller (FL)	Wynn
Frisa	Molinari	Young (FL)
Funderburk	Mollohan	Zeliff
Gallegly	Montgomery	Zimmer
Ganske	Moorhead	

NOT VOTING—9

Andrews	Moakley	Williams
Bateman	Reynolds	Yates
Filner	Thurman	Young (AK)

☐ 0023

Messrs. TAUZIN, PETERSON of Florida, HASTINGS of Florida, POMEROY, MEEHAN, RICHARDSON, MFUME, GEJDENSON, HOYER, and WYNN, and Mrs. MEEK of Florida, Mrs. KENNELLY, and Ms. DELAURO changed their vote from ''aye'' to ''no.''

Mr. DIXON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. WALKER). There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 208, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

(Mr. FRANK of Massachusetts asked and was given permission to proceed out of order.)

LEGISLATIVE PROGRAM

Mr. FRANK of Massachusetts. Mr. Speaker, I have been discussing with some other Members what the schedule is. I think we are close to an agreement, which would obviate the need for the nine separate votes and reconsiderations on the amendments that were adopted in the Committee of the Whole, most of which were perfectly nice amendments.

I wondering if anyone could give me any guidance on what we are likely to be doing next, because that would have some influence on what we would be doing now. I would be glad to yield. I know we are making a lot of progress. I do not insist on everything, but I would like a little comfort level before I sit down.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman who can answer this is about to approach the microphone.

Mr. FRANK of Massachusetts. Mr. Speaker, for the first time I have all this time and I have nothing to say.

Can we go back on the Solomon amendment while we are waiting?

Mr. ARMEY. Mr. Speaker, who controls the time?

Mr. FRANK of Massachusetts. I do, and I would yield to the gentleman.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts controls the time.

Mr. ARMEY. Mr. Speaker, would the gentleman restate his inquiry?

Mr. FRANK of Massachusetts. Before we pass the point at which separate votes cannot be demanded, I was trying to get some kind of comfort level about the chances of working out a schedule which would have us come back in first thing in the morning to do the telecommunications bill and whatever else we could finish, and I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, believe me, I can assure the gentleman from Massachusetts [Mr. FRANK] that I understand the gentleman's need for a comfort level. We are working on a unanimous-consent request with respect to the remaining program for tonight and tomorrow, and we have negotiations under way right now. Unhappily, the gentleman's request for information comes at a time when we do not have this all in detail.

I guess, Mr. Speaker, the only thing I can tell the gentleman right now is we are working on it and we hope to have it concluded as quickly as possible.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for that. This is, obviously, not the only bus in town, so I will give up the time here, with the understanding that we are trying hard to work this out, and if we are not able to work it out, I think we will have some difficulty.

I would relinquish the time, and I certainly have no pressing need for separate votes at this point, apparently.

□ 0030

The SPEAKER pro tempore (Mr. LAHOOD). Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Mr. Speaker, I think that is safe to say.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith with an amendment as follows:

On page 18, strike lines 17 through 24.

On page 20 strike out lines 15 through 22.

On page 58 strike all beginning after the word ''purposes'' on line 20 through page 60 line 8.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I certainly will not take the 5 minutes. I simply want to say two things. First of all, I want to alert members to the fact that there will be two votes, obviously, with a motion to recommit, and then final passage.

What this recommittal motion simply does is to try to redress some of the damage that this bill does to the dignity of workers in this country. It strikes sections 103, which would block the President's authority to enforce executive orders, barring striker replacements on Federal contracts. Second, it strikes section 105, which blocks development of workplace standards related to ergonomic injures. Third, it strikes limitations on the National Labor Relations Board authority to protect collective bargaining rights of workers, the 10(j) injunctions.

Mr. Speaker, we have already had the debates on all of these. There is no point in pursuing it. I would simply urge an ''aye'' vote on the motion to recommit, and I would ask for a rollcall. I would remind people there would be two votes.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. PORTER] rise in opposition?

Mr. PORTER. Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, we began hearings on this bill on January 4. We have been through a very long process in bringing it forward, including a subcommittee markup that lasted over seven hours, three days in full committee, and we have spent 26 hours on the floor debating the bill and amendments to it.

It has been shaped through a very long process and a very fair process. There are provisions in the bill I do not agree with, as you know, but we have been through a process I believe in very deeply.

Mr. Speaker, the bill will be further shaped in this process, one that has been followed for over 200 years, a process that is designed to be highly deliberative, highly participatory, and to find exactly where the American people are on all of these issues, and that is where we will ultimately end up.

Mr. Speaker, I would ask the Members to support the work that we have engaged in, to oppose the motion to recommit, and to support the bill, and to move it forward in the legislative process.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to make very sure that everyone understands under the striker replacement issue, there is only one issue in this piece of legislation. That issue is very simply, who has the responsibility under our form of government to legislate. I do not believe there is anyone in the House of Representatives, anyone in the United States, that believes it is anybody other than the Congress of the United States. It is not the executive branch, it is the Congress, and that is the issue that you are faced with in this legislation, and in this motion to recommit.

Mr. PORTER. Mr. Speaker, I yield to my colleague, the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, just very briefly, the other issue involves a so-called 10(j) preliminary injunction, and all that is requested in reference to the granting of such a preliminary injunction is that it be understood that it is an extraordinary remedy, and that the usual rules of equity do control, and that the NLRB would have to prove that there is the extraordinary remedy, and irreparable harm would have to be shown if the injunction is not granted. That is all that it does. I think it is a very reasonable request.

Mr. Speaker, I would ask that you vote ''no'' on the motion to recommit.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there where—ayes 188, noes 238, not voting 8, as follows:

[Roll No. 625]

AYES—188

Abercrombie	Coyne	Gilman
Ackerman	Cramer	Gonzalez
Baesler	Danner	Gordon
Baldacci	de la Garza	Green
Barcia	DeFazio	Gutierrez
Barrett (WI)	DeLauro	Hall (OH)
Becerra	Dellums	Hamilton
Beilenson	Deutsch	Harman
Bentsen	Dicks	Hastings (FL)
Berman	Dingell	Hefner
Bevill	Dixon	Hilliard
Bishop	Doggett	Hinchey
Bonior	Doyle	Holden
Borski	Durbin	Horn
Boucher	Edwards	Hoyer
Browder	Engel	Jackson-Lee
Brown (CA)	Eshoo	Jacobs
Brown (FL)	Evans	Jefferson
Brown (OH)	Farr	Johnson (SD)
Bryant (TX)	Fattah	Johnson, E.B.
Cardin	Fazio	Johnston
Clay	Fields (LA)	Kanjorski
Clayton	Flake	Kaptur
Clement	Foglietta	Kennedy (MA)
Clyburn	Ford	Kennedy (RI)
Coleman	Frank (MA)	Kennelly
Collins (IL)	Frost	Kildee
Collins (MI)	Furse	King
Condit	Gejdenson	Kleczka
Conyers	Gephardt	Klink
Costello	Gibbons	LaFalce

Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—238

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Andrews
Filner
Moakley
Reynolds
Thurman
Williams
Yates
Young (AK)

□ 0054

Messrs. LAZIO of New York, TEJEDA, ORTIZ, and NEY changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 208, not voting 8, as follows:

[Roll No. 626]

YEAS—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

NAYS—208

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—8

Andrews
Filner
Moakley
Reynolds
Thurman
Williams
Yates
Young (AK)

□ 0112

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. LIVINGSTON. Mr. Speaker I ask unanimous consent that in the engrossment of H.R. 2127 the clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HOUR OF MEETING, ORDER OF BUSINESS AND PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. ARMEY. Mr. Speaker, I should advise the members that pending the following unanimous-consent request, this could be the last vote of the night.

Mr. Speaker, I ask unanimous consent that the House convene at 8:00 a.m. today and that there be no intervening motion from the time of convening until the Pledge of Allegiance; and that further consideration of the bill H.R. 1555 in the Committee of the Whole pursuant to House Resolution 207 shall also be governed by the following order:

First, immediately after the Pledge of Allegiance, the House shall resolve into the Committee of the Whole for the further consideration of H.R. 1555 pursuant to House Resolution 207 without intervening motion;

Second, consideration in the Committee of the Whole shall proceed without intervening motion except the amendments printed in the House Report 104–223, except one motion to rise, if offered by Representative BLILEY;

Third, that any amendment adopted in the Committee of the Whole shall be deemed as having been adopted in the House; and

Fourth that Representative CONYERS shall have permission to modify amendment number 2–2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DINGELL. Mr. Speaker, reserving the right to object, and I do not think that I will object, but I want to make a couple of comments.

Like every other Member of this body, I have received a deluge of mail on the subject of this bill. Like the gentleman from Illinois [Mr. FLANAGAN] yesterday, I took the trouble to check into the behavior of those who stimulated that mail. I found, as did the gentleman from Illinois [Mr. FLANAGAN], that the stimulators of that mail had used the names of people who were unaware of the use of their names, that those who put that mail campaign together made false statements about the persons who had signed the letters, and led the people to sign the mail without any correct impression of what the content of the mail or the campaign was to be. Under the proposal tomorrow, I cannot discuss that matter at that time.

I want to make it very clear that I intend to follow up on this matter and to see to it that the miscreants who have engaged in this improper practice are exposed in proper fashion and that their behavior which demeans themselves, the legislative practices of this body and the democracy of which we are a part is properly exposed.

I will be sending them a letter on behalf of a number of my colleagues about this serious and gross misbehavior. Anyone who would like to join in signing the letter will be welcome at this desk tomorrow. I would also say that I intend to see to it that this kind of practice does not again infect the legislative process.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Further reserving the right to object, I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I want to applaud the gentleman for his statement. I intend to work closely with you, if you will have me, to see that jointly we pursue this matter to its proper conclusion. I thank the gentleman for yielding.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Further reserving the right to object, I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, as the subcommittee chairman of oversight investigations, a post the gentleman from Michigan [Mr. DINGELL] held for so many years with such distinction, if his investigations uncover something that is worthy of investigation by that subcommittee, I will be happy to work with the gentleman and the full committee chairman to fully follow up on whatever he finds out.

Mr. DINGELL. Mr. Speaker, further reserving the right to object, I can think of no Member who would do a finer job in setting right this matter. I want to thank the gentleman from Texas and also my dear friend the gentleman from Virginia.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GEPHARDT. Mr. Speaker, reserving the right to object, I will not object, but I would like to ask the majority leader if Members could be assured that there would not be a vote in the morning until 8:45 a.m.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, we will convene at 8 a.m. and go immediately into consideration of the chairman's amendment. The debate on that amendment would be 30 minutes. So even a 15-minute vote could not, even under the greatest conditions of expediency, be completed until 8:45 a.m. The gentleman is correct.

Mr. GEPHARDT. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADMINISTRATION'S NATIONAL URBAN POLICY REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

I transmit herewith my Administration's National Urban Policy Report, ''Empowerment: A New Covenant With America's Communities,'' as required by 42 U.S.C. 4503(a). The Report provides a framework for empowering America's disadvantaged citizens and poor communities to build a brighter future for themselves, for their families and neighbors, and for America. The Report is organized around four principles:

First, it links families to work. It brings tax, education and training, housing, welfare, public safety, transportation, and capital access policies together to help families make the transition to self-sufficiency and independence. This linkage is critical to the transformation of our communities.

Second, it leverages private investment in our urban communities. It works with the market and the private sector to build upon the natural assets and competitive advantages of urban communities.

Third, it is locally driven. The days of made in Washington solutions, dictated by a distant Government, are gone. Instead, solutions must be locally crafted, and implemented by entrepreneurial public entities, private actors, and a growing network of community-based firms and organizations.

Fourth, it relies on traditional values—hard work, family, responsibility. The problems of so many inner-city neighborhoods—family break-up, teen pregnancy, abandonment, crime, drug use—will be solved only if individuals, families, and communities determine to help themselves.

These principles reflect an emerging consensus in the decades-long debate over urban policy. These principles are neither Democratic nor Republican: they are American. They will enable local communities, individuals and families, businesses, churches, community-based organizations, and civic groups to join together to seize the opportunities and to solve the problems in their own lives. They will put the private sector back to work for all families in all communities. I therefore invite the Congress to work with us on a bipartisan basis to implement an empowerment agenda for America's communities and families.

In a sense, poor communities represent an untapped economic opportunity for our whole country. While we work together to open foreign markets abroad to American-made goods and services, we also need to work together to open the economic frontiers of poor communities here at home. By enabling people and communities in genuine need to take greater responsibility for working harder and smarter together, we can unleash the greatest underused source of growth and renewal in each of the local regions that make up our national economy and civic life. This will be good for cities and suburbs, towns and villages, and rural and urban America. This will be good for families. This will be good for the country.

We have undertaken initiatives that seek to achieve these goals. Some seek to empower local communities to help themselves, including Empowerment Zones, Community Development banks, the Community Opportunity Fund, community policing, and enabling local schools and communities to best meet world-class standards. And some seek to empower individuals and families to help themselves, including our expansion of the earned-income tax cut for low- and moderate-income working families, and our proposals for injecting choice and competition into public and assisted housing and for a new G.I. Bill for America's Workers.

I am determined to end Federal budget deficits, and my balanced budget proposal shows that we can balance the budget without abandoning the investments that are vital to the security and prosperity of the country, now and in the future. I am confident that, working together, we can build common ground on an empowerment agenda while putting our fiscal house in order. I will do everything in my power to make sure this happens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 3, 1995.*

□ 0120

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, I was unavoidably detained on August 3 and was not present for rollcall vote No. 618. Had I been present, I would have voted ''no'' on rollcall vote No. 618.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1114

Mr. KLINK. Mr. Speaker I ask unanimous consent to remove my name as cosponsor of H.R. 1114.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, AUGUST 3, 1995, OR FRIDAY, AUGUST 4, 1995, TO WEDNESDAY, SEPTEMBER 6, 1995 AND ADJOURNMENT OR RECESS OF THE SENATE ON SATURDAY, AUGUST 5, 1995, THROUGH SATURDAY, AUGUST 19, 1995, TO TUESDAY, SEPTEMBER 5, 1995

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 92) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 92

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, August 3, 1995 or the legislative day of Friday, August 4, 1995, pursuant to a motion made by the Majority Leader, or his designee, it stand adjourned until noon on Wednesday, September 6, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day beginning on Saturday August 5, 1995, through Saturday, August 19, 1995, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, September 5, 1995, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT FOR BALANCE OF WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all committees and their subcommittees be allowed to sit for the balance of the week while the House is under the 5-minute rule with the exception of the Committee on Resources.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

Mr. WATT. Reserving the right to object. Mr. Speaker, and I will not object, I am advised by the Democratic leadership that they have consented to the request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the editorial board of the New York Times for an excellent editorial commentary this morning, entitled, ''Mr. Chirac's Nuclear Blunder'' and I recommend the article to my colleagues and the American people.

Mr. Speaker, I will say again and again—shame on you President Chirac of France—shame on you President Chirac and your military cronies—the gall and arrogance to come marching to the South Pacific to explode eight nuclear bombs starting this month.

Mr. Speaker, as I indicated yesterday to my colleagues and to all the citizens of our country who may be listening to this television broadcast, the government of France has just announced it will now begin its program of exploding its first nuclear bomb within 3 weeks of this month rather than next month.

What has happened, Mr. Speaker, is that the President of France and his advisors have totally underestimated the outrage of millions of people around the world, and the leaders of nations from the Pacific Region from Asia, from Latin America, and even from Europe—all expressing resentment and disappointment for France's recent decision to resume its nuclear testing program on certain atolls in the South Pacific.

Mr. Speaker, several known leaders of governments around the world have asked their constituencies to boycott all French made goods and products in their countries—in other words, don't buy French wine, French perfumes and cosmetics, French foods, French clothing, French shoes—French everything and anything that is manufactured or produced in France. Mr. Speaker, I wish I did not have to make this appeal to the American people not to purchase French goods and products, but how else is the French government going to take responsibility for its announced policy to resume nuclear testings in the middle of the Pacific Ocean?

It seems to me, Mr. Speaker, that the President of France can better utilize the 1 billion dollars he plans to spend for these eight nuclear bomb explosions—to resolve the serious problem of unemployment French citizens are now confronted with—a 12-percent unemployment rate right now in France.

Mr. Speaker, if President Chirac really wants to prove how much of a world class leader that he claims to be—be a real man by showing real compassion and sensitivity to the hazards and dangers of nuclear bomb explosions—don't explode any more nuclear bombs in French Polynesia.

[From the New York Times, July 30, 1995]

ASIAN NATIONS PUTTING PRESSURE ON FRANCE OVER NUCLEAR TESTS

(By Philip Shenon)

BANGKOK, THAILAND, July 29.—With France only weeks away from returning nuclear tests in the Pacific, governments across Asia and the south Pacific are demanding that the French reconsider, and there are warnings of an economic boycott that could damage the French economy.

The most potent threat may come from Japan, where the Government has bitterly criticized the decision by President Jacques Chirac to resume nuclear testing in French Polynesia this fall after a three-year moratorium. Mr. Chirac says his decision is irrevocable.

Last week 47 Japanese lawmakers, many of them prominent members of parties in the coalition Government, called for a boycott of French luxury goods, a threat that carries weight given the affection of millions of Japanese consumers for brand-name French fashion, perfumes and liquor.

The Japanese market accounts for as much as half of the profits for some French makers of luxury goods, and shares of several of those companies have been tumbling in the French stock markets as a result of the protests in Japan.

''Nations that possess nuclear weapons must show their wisdom and set an example to countries that do not have nuclear weapons,'' the Japanese Science and Technology Minister, Makiko Tanaka, said in a letter to Mr. Chirac. Prime Minister Tomiichi Murayama has accused France of ''betraying'' nonnuclear countries with the resumption of nuclear tests.

Mr. Chirac announced in June, shortly after his election, that France would carry out eight underground explosions in two tiny Polynesian atolls—Mururoa and Fangatauta—from September through May. After that, he has promised, France will sign the Comprehensive Nuclear Test Ban Treaty and end nuclear testing forever.

The French Government has said it needs to carry out the tests to check the reliability and safety of its existing nuclear arsenal. But that has not satisfied foreign leaders and environmental campaigners who say computer simulations would offer much the same information.

There is debate among scientists about the environmental impact of the tests, with French geologists insisting that none of the radiation from the test sites can leak from the hard basalt bedrock of the atolls. Scientists elsewhere are not so sure, concerned that radiation could reach the ocean through a porous layer of limestone.

The decision to resume the tests has been criticized by the United States, Britain and Russia—nuclear powers that have all halted testing.

Last week, the lower house of the Russian Parliament condemned the French tests, describing as ''dangerous such testing in the fragile systems of coral reefs.'' Only China, which has continued to conduct underground nuclear experiments at Lop Nor in the western province of Xianjiang, has continued to test.

Although they can threaten nothing like the economic wallop of a Japanese boycott, the Governments of Australia and New Zealand have offered far stronger words against the French.

''An arrogant action of a European colonial power,'' Prime Minister Jim Bolger of New Zealand has said of the French tests. The Australian Prime Minister, Paul Keating, described the tests as ''deplorable.''

''We are determined to maintain the pressure on France to modify its program to desist from testing weapons and also to encourage further international focus on France,'' Mr. Keating said last week in Melbourne after meeting with Mr. Bolger.

[From the Washington Post, Aug. 2, 1995]

FRANCE MOVES UP PACIFIC A-TEST SCHEDULE

(By William Drozdiak)

PARIS, Aug. 1.—France is accelerating the timetable for a series of nuclear tests in the South Pacific to avert a confrontation with protest groups and to defuse a diplomatic crisis that is damaging the country's image as well as its pocketbook, French officials said today.

President Jacques Chirac announced two months ago that France would conduct eight nuclear explosions at the Mururoa coral atoll from September through May before signing a comprehensive test-ban treaty. But officials said the schedule will be moved up so the tests can begin later this month and conclude more quickly. Four of the eight nuclear devices are now ready, sources said.

By triggering the first blast this month, French officials hope to avoid a showdown with a ''peace flotilla'' organized by Greenpeace and other ecology groups. The Greenpeace ship Rainbow Warrior II is now close to Fiji, but other boats that will make up the protest fleet are still gathering in New Zealand and are at least four weeks' sailing time from the test site.

France's planned speed-up reflects a growing fear in the government that the hostile reaction provoked by Chirac's decision to conduct tests could spin out of control unless Paris moves quickly to muffle the global outrage.

French officials anticipated a brief spasm of protests but figured the promise to sign the treaty and close down the test site would appease world opinion. Instead, the protests have gathered strength and threaten to seriously harm sales of French exports worldwide.

Australia and New Zealand have declared they will suspend all defense cooperation with France unless the tests are abandoned. Antinuclear groups in Japan and Germany—two of France's biggest markets for its consumer products—have been accumulating support for a campaign to boycott French wines, clothing and other luxury goods.

In the latest twist to the nuclear controversy, Australia barred a French company from bidding on a $740 million contract to supply jet fighters because of the planned tests. In response, France recalled its ambassador from Canberra. The Foreign Ministry said today that the ambassador was withdrawn to demonstrate outrage at the way Australia has waged its protests. The ministry cited several hostile acts, including blocking the delivery of mail and diplomatic bags, allowing protesters to obstruct access to the French Embassy and delaying French ships in Australian ports.

The loss of the potential contract for up to 40 light jet fighters was the heaviest price Paris has paid since arousing the fury of Asian and Pacific nations with its decisions to resume tests after a three-year moratorium.

France is one of the world's leading arms exporters and has targeted Asia as one of the most important future markets for such big-ticket exports as naval frigates and fighter planes. French officials said their arms industry is in fierce competition with the United States and needs to capture a good chunk of Asian markets to cut losses in the defense sector.

''Nuclear tests should not be mixed up with the question of arms industry contracts,'' Defense Minister Charles Million said, ''I want the French people and foreigners to understand this is a sovereign act which will enable France to remain a great power and also permit it to join a comprehensive test ban treaty from 1996 while retaining a credible and reliable deterrent force.''

Millon said he was surprised that Australia had not protested Chinese nuclear tests, which although conducted on China's mainland are closer to Australia than is the site of the French tests. He also repeated Chirac's invitation to any scientist to visit the Mururoa atoll once the tests have taken place to verify that no wildlife has been affected.

France says that no radioactivity can escape because the nuclear blast occurs 1,800 to 3,000 feet underground and the heat from the blast vitrifies the volcanic rock around the device. But documents released by France's Atomic Energy Commission and published today in the newspaper Le Monde showed that at least three of more than 200 French nuclear tests since 1960 led to some contamination at the Mururoa atoll.

[From the New York Times, Aug. 3, 1995]

MR. CHIRAC'S NUCLEAR BLUNDER

France's new President, Jacques Chirac, seems determined to squander the good will that greeted his arrival in office. Heedless of the damage he is inflicting on French interests and the world's hopes for reining in nuclear weapons, he persists in his plan to resume underground nuclear tests in the South Pacific next month.

Paris says the tests are needed to insure the reliability of France's nuclear weapons stockpile before a comprehensive test-ban treaty is negotiated next year. That is a specious argument. Reliability can be adequately assured by computer simulations. More fundamentally, breaching the de facto test ban now observed by all nuclear powers except China undermines French nuclear security.

Charles de Gaulle developed France's nuclear arsenal as a cold-war deterrent and a symbol of French independence from the American nuclear umbrella. With the end of the cold war, the arsenal no longer has any obvious military use. France's nuclear security today depends not on deterring Soviet attack but on preventing potential nuclear powers like Iraq and Iran from developing weapons on their own.

Preventing the spread of nuclear weapons depends in turn on global efforts against proliferation. Earlier this year, France joined the other nuclear nations in lobbying for an indefinite extension of the Nuclear Nonproliferation treaty. They persuaded non-nuclear countries to go along by pledging to negotiate a formal ban on nuclear testing by next year. France's decision to test this year does not violate the letter of that pledge. But it surely violates its spirit.

Critics of the French tests also worry about the risk, however small, of environmental catastrophe. France has already exploded more than 100 nuclear weapons at its Mururoa Atoll test site. The coral that makes up the atoll sits atop the crater of a submerged volcano. The nuclear explosions take place within a shaft drilled into the underlying volcanic rock. Each blast can cause limited fracturing of nearby rock.

As long as the surrounding mass of the volcano remains intact, the radioactive byproducts remain safely contained. But some scientists worry that the combined effects of further testing and natural erosion could cause a slow leak of radioactive material or an abrupt falling away of the volcanic wall, releasing massive radioactive waste.

These two concerns—about proliferation and the environment—have provoked strenuous international opposition. Polls also show that a majority of people in France itself oppose the tests.

The strongest reaction so far has come from Australia, which this week barred a French aerospace concern from bidding on a $547 million jet fighter contract. The government in one Australian state has said that it will no longer entertain French bids on a $9 billion water privatization project. Other regional governments in Australia are also contemplating costly reprisals.

Mr. Chirac's response has been to call France's Ambassador home ''for consultations.'' That is a standard form of diplomatic protest. But in this case, real consultations—not only with Australia but with other critics—would be a far better idea. Mr. Chirac has badly underestimated the opposition to testing. He has also reacted with more stubbornness than statesmanship to his critics. He still has time to extricate himself and France from a costly and dangerous mistake.

Thursday, August 3, 1995

Daily Digest

HIGHLIGHT

House passed Labor–HHS–Education Appropriations bill.

Senate

Chamber Action

Routine Proceedings, pages S11227–S11351

Measures Introduced: Six bills were introduced, as follows: S. 1115–1120. **Pages S11323–24**

Measures Passed:

Alaska Native Claims Settlement Act: Senate passed H.R. 402, to amend the Alaska Native Claims Settlement Act, after agreeing to a committee amendment, and the following amendment proposed thereto: **Pages S11342–47**

Warner (for Stevens) Amendment No. 2110, to amend section 7(i) of the Alaska Native Claims Settlement Act to exclude net operating losses from the definition of ''revenues''. **Pages S11345–47**

Department of Defense Authorizations, 1996: Senate continued consideration of S. 1026, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows:

Pages S11227–S11321

Adopted:

(1) McCain Amendment No. 2091, to limit the total amount that may be obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines. **Pages S11297–98**

(2) Dodd Amendment No. 2092 (to Amendment No. 2091), to propose an alternative limitation on the amount that may be obligated for procurement of the Seawolf class submarines. **Pages S11297–98**

(3) By 69 yeas to 26 nays (Vote No. 358), Cohen Amendment No. 2089, to express the sense of Congress on the missile defense of the United States.

Pages S11282–83, S11304–07

(4) Warner (for Chafee) Amendment No. 2095, to improve the section establishing uniform national discharge standards for the control of water pollution from vessels of the Armed Forces. **Pages S11307–08**

(5) Nunn (for Pryor/Feinstein) Amendment No. 2096, to make funds available for the Troops to Teachers program and the Troops to Cops program. **Pages S11308–10**

(6) Warner (for Dole) Amendment No. 2097, to ensure the preservation of the ammunition industrial base of the United States. **Page S11310**

(7) Warner (for Thurmond) Amendment No. 2098, to modify the authority to transfer funds regarding foreign currency fluctuations so that the authority does not apply to appropriations for fiscal years before fiscal year 1996. **Pages S11310–11**

(8) Nunn (for Akaka) Amendment No. 2099, to provide a substitute for section 543, relating to military intelligence personnel prevented by secrecy from being considered for decorations and award.

Pages S11311–13

(9) Nunn (for Akaka) Amendment No. 2100, to require the Secretary of the Army to review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service in the Army during World War II to determine whether the award should be upgraded to the Medal of Honor.

Page S11313

(10) Warner (for Coats) Amendment No. 2101, to revise section 723, relating to the applicability of CHAMPUS payment rules to health care provided by CHAMPUS providers to members of the uniformed services enrolled in a health care plan of a Uniformed Services Treatment Facility. **Page S11314**

(11) Warner (for Coats) Amendment No. 2102, to change an enrollment date from January 1, 1995 to October 1, 1995 relating to TRICARE Uniform Health Benefits by Uniformed Services Treatment Facilities. **Page S11314**

(12) Warner (for Nickles/Inhofe) Amendment No. 2103, to provide for a General Accounting Office analysis of a Department of Defense Depot Maintenance Policy Report. **Pages S11314–15**

(13) Warner (for McCain) Amendment No. 2104, to make various amendments to the provisions relating to the Naval Petroleum Reserves.

Pages S11315–18

(14) Nunn (for Feinstein) Amendment No. 2105, to extend the fiscal year 1993 project authorization for the JP–8 fuel facility at the Los Alamitos Reserve Center, California. **Page S11318**

(15) Warner (for Thurmond) Amendment No. 2106, to make the authority under section 648 (Annuities for Certain Military Surviving Spouses) subject to the availability of appropriations.

Pages S11318–19

(16) Warner (for Kyl) Amendment No. 2107, to require a review and report on United States policy on the security of the national information infrastructure. **Pages S11319–20**

(17) Warner (for McCain) Amendment No. 2108, to provide for Iran and Iraq arms non-proliferation measures. **Page S11320**

(18) Warner (for Thurmond) Amendment No. 2109, to provide funding for the activities of the Defense Base Closure and Realignment Commission for the remainder of 1995. **Pages S11320–21**

Rejected:

(1) Dorgan Amendment No. 2087, to reduce the amount authorized to be appropriated under Title II for national missile defense. (By 51 yeas to 48 nays (Vote No. 354), Senate tabled the amendment.)

Pages S11227–39

(2) Levin Amendment No. 2088, to strike language that: (1) makes it U.S. policy to deploy a multiple-site national missile defense, (2) expresses the sense of the Congress that the President should not try to change the ABM treaty until after a Congressional review, and (3) sets standards for assessing compliance with the ABM treaty. (By 51 yeas to 49 nays (Vote No. 355), Senate tabled the amendment.)

Pages S11246–82

(3) By 30 yeas to 70 nays (Vote No. 356), McCain Amendment No. 2090, to delete funding for procurement of a third Seawolf submarine, and to prohibit expenditures of fiscal year 1996 funds and prior fiscal year funds for procurement of such submarine. **Pages S11283–96**

(4) By 41 yeas to 58 nays (Vote No. 357), Bumpers Amendment No. 2094, to strike provisions concerning Defense Export Loan Guarantees.

Pages S11298–S11303

A unanimous-consent time agreement was reached providing for further consideration of the bill and amendments to be proposed thereto on Friday, August 4, 1995. **Page S11304**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

The Exchange of Notes Relating to the Tax Convention with Kazakhstan (Treaty Doc. No. 104–15).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S11342**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled ''Empowerment: A New Covenant With America's Communities''; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–72). **Page S11322**

Nominations Received: Senate received the following nominations:

John David Carlin, of Kansas, to be an Assistant Secretary of Agriculture.

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

Bonnie O'Day, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

Kate Pew Wolters, of Michigan, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

1 Marine Corps nomination in the rank of general.

Routine lists in the Army.

Routine list in the Navy. **Pages S11347–51**

Messages From the President: **Page S11322**

Messages From the House: **Page S11322**

Petitions: **Pages S11322–23**

Statements on Introduced Bills: **Pages S11324–29**

Additional Cosponsors: **Pages S11329–30**

Amendments Submitted: **Pages S11330–35**

Notices of Hearings: **Page S11335**

Authority for Committees: **Pages S11335–36**

Additional Statements: **Pages S11336–41**

Record Votes: Five record votes were taken today. (Total–358)

Pages S11239, S11282, S11296, S11302–03, S11307

Recess: Senate convened at 9 a.m., and recessed at 11:28 p.m., until 9 a.m., on Friday, August 4, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S11347.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nomination of Jill L. Long, of Indiana, to be Under Secretary of Agriculture for Rural Economic and Community Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation, after the nominee, who was introduced by Senator Coats and Representatives Roberts and de la Garza, testified and answered questions in her own behalf.

AUTHORIZATION—ENDANGERED SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Drinking Water, Fisheries, and Wildlife resumed hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, receiving testimony from Carl B. Loop, Jr., Florida Farm Bureau Federation, Jacksonville, on behalf of the American Farm Bureau Federation; R.J. Smith, Competitive Enterprise Institute, James M. Sweeney, Champion International Corporation, Michael J. Bean, Environmental Defense Fund, and Steven P. Quarles, on behalf of the Endangered Species Coordinating Council and the American Forest and Paper Association, all of Washington, D.C.; Michael White, Hecla Mining Company, Coeur d'Alene, Idaho; Sherl L. Chapman, Idaho Water Users Association, Inc., Boise; George E. Meyer, Wisconsin Department of Natural Resources, Madison; Murray Lloyd, Black Bear Conservation Committee, Shreveport, Louisiana; Brian Loew, Riverside County Habitat Conservation Agency, Riverside, California; Charles E. Gilliland, Texas A&M University, College Station; Randy Scott, San Bernardino County Planning Department, San Bernardino, California; Elliot Parks, San Diego Association of Governments, San Diego, California; and Lindell L. Marsh, Siemon, Larsen & Marsh, Irvine, California.

Hearings were recessed subject to call.

IRAQ SANCTIONS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the effects of United Nations sanctions imposed on the Iraq economy, after receiving testimony from Madeleine Albright, Permanent Representative to the United Nations; Omar A. Duwaik, Reema International Corp., Denver, Colorado; and Rend Rahim Francke, Iraq Foundation, and Phebe Marr and Patrick Clawson, both of the Institute for National Strategic Studies/National Defense University, all of Washington, D.C.

IRAQ ATROCITIES AGAINST THE KURDS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the extent of Iraqi war crimes against the Iraqi Kurdish population, after receiving testimony from Kathryn Cameron Porter, Human Rights Alliance, Fairfax, Virginia; Alan O. Makovsky, Washington Institute for Near East Policy, Washington, D.C.; Kenneth Roth, Human Rights Watch, New York, New York; Najmaldin O. Karim, Kurdish National Congress of North America, Silver Spring, Maryland; Douglas Layton, Servant Group International, Mount Juliet, Tennessee; and numerous other public witnesses.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 627, to require the general application of the antitrust laws to major league baseball; and

The nominations of Joseph H. McKinley Jr., to be United States District Judge for the Western District of Kentucky, and Evan Jonathan Wallach, of Nevada, to be a Judge for the United States Court of International Trade.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Terence T. Evans, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Michael R. Murphy, of Utah, to be United States Circuit Judge for the Tenth Circuit, James M. Moody, to be United States District Judge for the Eastern District of Arkansas, William K. Sessions III, to be United States District Judge for the District of Vermont, Ortrie D. Smith, to be United States District Judge for the Western District of Missouri, and Donald C. Pogue, of Connecticut, to be a Judge of the United States Court of International Trade, after the nominees testified and answered questions in their own behalf. Mr. Evans was introduced by Senators Kohl and Feingold, and Representative Thomas Barrett, Mr. Murphy was introduced by Senators Hatch and Bennett, and Representative Orton, Mr. Moody was introduced by Senators Bumpers and Pryor, and Representative Dickey, Mr. Sessions was introduced by Senators Leahy and Jeffords, and Mr. Smith was introduced by Senators Ashcroft and Bond and Representative Skelton.

MEDICARE HMO's

Special Committee on Aging: Committee concluded hearings to examine the adequacy of Federal oversight of Medicare health maintenance organizations and how to assure quality of care for Medicare beneficiaries who enroll in HMO's, after receiving testimony from Sarah F. Jaggar, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; June Gibbs Brown, Inspector General, and Bruce C. Vladeck, Administrator, Health Care Financing Administration, both of the Department of Health and Human Services; Geraldine Dallek, Center for Health Care Rights, Los Angeles, California; Jesse Jampol, Health Insurance Plan of Greater New York, New York, New York, on behalf of the Group Health Association of America; Helen Imbernino, National Committee for Quality Assurance, Washington, D.C.; and Suzanne C. Mercure, Southern California Edison, Rosemead.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, receiving testimony from Thomas E. Castleton, Special Assistant to the Assistant Attorney General, Department of Justice, former Special Assistant to the Counsel to the President; Carolyn C. Huber, Special Assistant to the President and Director of Personal Correspondence; Stephen R. Neuwirth, Associate Counsel to the President; and Clifford M. Sloan, Wiley, Rein & Fielding, Bethesda, Maryland, former Associate Counsel to the President.

Hearings will continue on Monday, August 7.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 2177–2190, 2192; 1 private bill, H.R. 2191; and 2 resolutions, H. Con. Res. 92, and H. Res. 210 were introduced. **Pages H8360–61**

Report Filed: One report was filed as follows: H.R. 1350, to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, amended (H. Doc. 104–229). **Page H8360**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Waldholtz to act as Speaker pro tempore for today: **Page H8311**

Committees To Sit: The following committees and their subcommittees received permission to sit today during the proceedings of the House under the 5-minute rule: Committees on Commerce, Government Reform and Oversight, International Relations, National Security, Resources, and Small Business. **Page H8315**

Labor–HHS–Education Appropriations: By a yea-and-nay vote of 219 yeas to 208 nays, Roll No. 626, the House passed H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996. **Pages H8315–59, H8363–H8421**

Agreed to the committee amendment in the nature of a substitute. **Page H8419**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith containing amendments that sought to strike language relating to striker replacements; strike language that prohibits OSHA from promulgating or issuing any guidelines regarding ergonomic protection or reporting related occupational injuries and illnesses; and strike language relating to the National Labor Relations Board salaries and expenses (rejected by a yea-and-nay vote of 188 yeas to 238 nays, Roll No. 625). **Pages H8419–20**

Agreed To:

The Moran amendment that provides that $7.5 million of the funds made available to the Office of the Director of the National Institutes of Health (NIH) be made available for the Office of Alternative Medicine; **Pages H8329–30**

The Goodling amendment that increases by $4.9 million in funding for vocational and adult education, earmark that amount for the National Institute for Literacy and offset that by reducing the funding for the Department's education, research, statistics, and improvement account; **Pages H8344–45**

The Hastert amendment that changes language concerning the criteria institutions of higher education must follow in demonstrating a history and continuing practice of program expansion for members of the underrepresentated sex with respect to

gender equity in order to use funds available from the Department's Office of Civil Rights;

Pages H8345–48

The Cunningham amendment that strikes language computing basic support payments and construction payments for impact aid programs;

Pages H8357–58

The Gordon amendment that prohibits use of funds for Pell Grants to students at a institution of higher education ineligible to participate in a loan program as a result of a high default rate determination; **Pages H8405–07**

The Lazio of New York that increases by $13.793 million funding for the National Senior Volunteer Corps; **Pages H8407–08**

The Emerson amendment that prohibit use of funds for the Electronic Benefits Transfer Task Force; **Pages H8410–11**

The Johnson of Texas amendment that increase funding for School Improvement Programs and Vocational and Adult Education by $50 million and $100 million respectively; **Pages H8413–14**

The Kleczka amendment that prohibits use of funds used by the Bureau of Labor Statistics to implement a change in the consumer price index except when the House of Representatives and the Senate have authorized a change based upon a comprehensive revision of the market; and **Pages H8414–15**

The Ewing amendment that prohibits use of funds to conduct audits of banks participating in the student loan program that have loaned $5 million or less in student loans. **Pages H8415–17**

Rejected:

The Hoekstra amendment that eliminates funding for the Corporation for Public Broadcasting in fiscal year 1998 (rejected by a recorded vote of 136 ayes to 286 noes, Roll No. 218); **Pages H8364–67, H8370–71**

The Kolbe amendment that sought to strike language that allows States sole discretion in deciding on abortion funding (rejected by a recorded vote of 206 ayes to 215 noes, Roll No. 619);

Pages H8371–78, H8386–87

The Ganske amendment that sought to delete language that prohibits Federal financial assistance to support to graduate medical education programs that accreditation programs that require abortion training to be accredited (rejected by a recorded vote 190 ayes to 235 noes, Roll No. 620);

Pages H8378–82, H8387

The Blute amendment that sought to provide $1.2 billion in funding to the LIHEA program and offset that increase by reducing by 2 percent discretionary spending in each account on a pro rata basis (rejected by a recorded vote of 53 ayes to 367 noes, with 3 voting ''present'' Roll No. 621);

Pages H8382–85, H8387–88

The Skaggs amendment that sought to delete language in the bill that prohibits the use of Federal funds for political advocacy (rejected by a recorded vote 187 ayes to 232 noes, Roll No. 622);

Pages H8388–97

The Solomon amendment that sought to prohibit use of funds by any institution of higher education if compulsory student fees at that institution are used to support any group or organization for public policy influence or political campaigns (rejected by a recorded vote of 161 ayes to 263 noes, Roll No. 623); and **Pages H8398–H8405**

The Sanders amendment that sought to prohibit use of funds by the NIH to convey exclusive license or patent rights for a drug; release on an exclusive basis drug testing information derived from NIH animal tests or human clinical trials; or enter into a cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 and provide that these restrictions could be waived when it is determined that a reasonable pricing clause is not in the public interest (rejected by a recorded vote of 141 ayes to 284 noes, Roll No. 624). **Pages H8408–10, H8418**

The following amendments were offered but subsequently withdrawn:

The Lowey amendment that sought to increase by $4 million funding for student financial assistance; and **Pages H8349–54**

The Saxton amendment that sought to reduce by $10 million funds made available for the Center for Disease Control and Prevention disease control, research and training general fund; reduce by $25.691 million funds made available for the Administration for Children and Families refugee and entrant assistance; and increase by $25.691 million funds made available for Impact Aid. **Pages H8397–98**

Points of order were sustained against the following amendments:

The Kolbe amendment that sought to strike language that allows States sole discretion in deciding on abortion funding and insert language that states that the Federal medical assistance percentage applicable with respect to medical assistance consisting of abortions furnished where pregnancy is the result of rape or incest; and **Page H8371**

The Menendez amendment that sought to prohibit the payment of salaries to government officials who accept for personal benefit tax exempt funds from any tax-exempt organization. **Pages H8411–13**

The Clerk was authorized to correct section numbers, cross references, punctuation, indentation, and to make any other technical and conforming changes as may be necessary in the engrossment of the bill. **Page H8421**

Meeting Hour: House agreed to meet at 8 a.m. on Friday, August 5. **Page H8421**

Legislative Program: It was made in order that when the House convene on Friday, August 4 that further consideration of H.R. 1555, Communications Act of 1995 in the Committee of the Whole, pursuant to H. Res. 207, shall be governed by the following order: (1) immediately after the Pledge of Allegiance, the House shall resolve into the Committee of the Whole for the further consideration of H.R. 1555 pursuant to House Resolution 207 without intervening motion; (2) consideration in the Committee of the Whole shall proceed without intervening motion except the amendments printed in the House Report 104–223, except one motion to rise, if offered by Representative Bliley; (3) that any amendment adopted in the Committee of the Whole shall be deemed as having been adopted in the House; and (4) that Representative Conyers shall have permission to modify amendment numbered 22. **Page H8421**

Presidential Message—National Urban Policy: Read a message from the President wherein he transmits the Administration's National Urban Policy Report—referred to the Committee on Banking and Financial Services. **Pages H8421–22**

District Work Period: House agreed to H. Con. Res. 92, providing for the adjournment of the two Houses. **Page H8422**

Committees To Sit: The following committees and their subcommittees received permission to sit Friday, August 5 during the proceedings of the House under the 5-minute rule: Committees on Agriculture, Appropriations, Banking and Financial Services, Budget, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, the Judiciary, National Security, Rules, Science, Small Business, Standards of Official Conduct, Transportation and Infrastructure, Veterans' Affairs and Ways and Means. **Page H8422**

Senate Messages: Messages received from the Senate today appear on page H8311.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H8361–62.

Quorum Calls—Votes: One yea-and-nay vote and eight recorded votes developed during the proceedings of the House today and appear on pages H8370–71, H8386–87, H8387, H8387–88, H8396–97, H8404–05, H8418, H8419–20, and H8420–21. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned on Friday, August 4, at 1:25 a.m.

Committee Meetings

ADMINISTRATION'S REVISED BUDGET

Committee on the Budget: Held a hearing on the Administration's Revised Budget. Testimony was heard from June E. O'Neill, Director, CBO; and Alice M. Rivlin, Director, OMB.

FUTURE OF THE MEDICARE PROGRAM

Committee on Commerce: Subcommittee on Health and the Environment concluded hearings on the Future of the Medicare Program. Testimony was heard from public witnesses.

LOCAL EMPOWERMENT AND FLEXIBILITY ACT

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held a hearing on H.R. 2086, Local Empowerment and Flexibility Act of 1995. Testimony was heard from Senator Hatfield; Judy A. England-Joseph, Director, Housing and Community Development Issues, GAO; Charles Griffiths, Director, Intergovernmental Liaison, Advisory Commission on Intergovernmental Relations; and a public witness.

COMMITTEE BUSINESS

Committee on House Oversight: Met and approved pending Committee business.

ANDERSON V. ROSE

Committee on House Oversight: Task Force on Contested Election assigned to the Seventh Congressional District of North Carolina approved Representative Rose's motion to dismiss the *Anderson* v. *Rose* case.

The Task Force also approved a motion to refer the report of the Task Force on this case to the Department of Justice for further investigation.

REPUBLIC OF CHINA (TAIWAN'S) PARTICIPATION IN THE UNITED NATIONS

Committee on International Relations: Held a hearing on H. Con. Res. 63, relating to the Republic of China (Taiwan's) participation in the United Nations. Testimony was heard from Representative Solomon; Kent Wiedemann, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

FRIENDLY FIRE SHOOTDOWN OF ARMY HELICOPTER OVER NORTHERN IRAQ

Committee on National Security: Subcommittee on Military Personnel held a hearing on the friendly fire shoot down of Army helicopters over Northern Iraq in April 1994. Testimony was heard from the following officials of the Department of Defense: Brig. Gen. Jeffrey S. Pilkington, USAF, Vice Commander, Air Intelligence Command; Capt. Michael Nye, USA, Helicopter Pilot; Maj. Gen. James G. Andrus, USAF, Commander, Third Air Force, U.S. Air Force Europe; RAdm. James A. Lair, USN, Director for Operations (J–3), U.S. European Command; Maj. Gen. Jared L. Bates, USA, Vice Director for Operations (J–3), the Joint Staff; and Maj. Gen Nolan Sklute, USAF, The Judge Advocate General, Headquarters, U.S. Air Force; and public witnesses.

TECHNOLOGY FOR SAFETY AND SURVIVABILITY

Committee on National Security: Subcommittee on Military Research and Development held a hearing on technology for safety and survivability. Testimony was heard from the following officials of the Department of Defense: Anita K. Jones, Director, Defense Research and Engineering; Jim Hicks, Director, Information Systems Technology, U.S. Army Safety Center; Richard F. Healing, Director, Safety and Survivability, Office of the Secretary of the Navy; and Brig. Gen. Richard R. Paul, USAF, Director, Science and Technology, Headquarters, U.S. Air Force Materiel Command.

ARCTIC COASTAL PLAIN

Committee on Resources: Held a hearing regarding leasing of the 1002 study area of the Arctic Coastal Plain to oil exploration and development. Testimony was heard from Senator Stevens; John D. Leshy, Solicitor, Department of the Interior; John Shively, Commissioner, Department of Natural Resources, State of Alaska; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full committee action the following bills: H.R. 1253, to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; H.R. 2005, to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources Systems; and H.R. 2160, Cooperative Fisheries Management Act of 1995.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 2107, to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program; and H.R. 2025, Park Renewal Fund Act. Testimony was heard from Gray F. Reynolds, Deputy Chief, Forest Service, USDA; Roger Kennedy, National Park Service, Department of the Interior; and public witnesses;

VIEQUES LANDS TRANSFER ACT; AMERICAN SAMOA WHITE-COLLAR CRIME ASSESSMENT

Committee on Resources: Subcommittee on Native American and Insular Affairs approved for full Committee action H.R. 2159, Vieques Lands Transfer Act of 1995.

The Subcommittee also held a hearing on the American Samoa White-Collar Crime Assessment. Testimony was heard from Mark M. Richard, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Allen P. Stayman, Deputy Assistant Secretary, Territorial and International Affairs, Department of the Interior; and the following officials of American Samoa: A. P. Lutali, Governor; Malaetasi Togafau, Attorney General; Wendell Harwell, Territorial Auditor; and Savali Talavou Ale, Speaker of the House.

IMPLEMENTATION OF FEDERAL ACQUISITION STREAMLINING ACT

Committee on Small Business: Concluded hearings regarding the implementation of PL 103–355, Federal Acquisition Streamlining Act of 1994, with emphasis on H.R. 1670, Federal Acquisition Reform Act of 1995. Testimony was heard from Ronald W. Berger, Associate General Counsel, GAO; Steven Kelman, Administrator, Federal Procurement Policy; OMB; Jere W. Glover, Chief Counsel for Advocacy, SBA; Derek J. Vander Schaaf, Deputy Inspector General, Department of Defense; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

EXAMINE MALFUNCTIONS IN THE DISABILITY PROGRAM

Committee on Ways and Means: Subcommittee on Social Security continued hearings to examine malfunctions in the disability program. Testimony was heard from Jane Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 4, 1995

(Committee meetings are open unless otherwise indicated)

Senate

No committee meetings are scheduled.

House

Committee on Commerce, Subcommittee on Telecommunications and Finance and the Subcommittee on Energy and Power, joint hearing on the SEC's June 19, 1995 report entitled ''The Regulation of Public Utility Holding Companies,'' 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, hearing on H.R. 1855, to amend title 11, District of Columbia Code, to restrict the authority of the Superior Court of the District of Columbia over certain pending cases involving child custody and visitation rights, 9:30 a.m., 2318 Rayburn.

Committee on International Relations, hearing on the Future of the Department of Commerce, 10:30 a.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, to mark up H.R. 699, to amend the Mineral Leasing Act to provide for a royalty payment for heavy crude oil produced from the public lands which is based on the degree of API gravity, 10 a.m., 1324 Rayburn.

Subcommittee on National Parks, Forests and Lands, to mark up the following bills: H.R. 1713, Livestock Grazing Act; and H.R. 1280, Technical Assistance Act of 1995, 10:30 a.m., 1334 Longworth.

Committee on Small Business, to mark up H.R. 2150, Small Business Credit Efficiency Act of 1995, 9:30 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 10 a.m., HT–2M Capitol.

Next Meeting of the SENATE

9 a.m., Friday, August 4

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1026, Department of Defense Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

8 a.m., Friday, August 4

House Chamber

Program for Friday: Consideration of H.R. 1555, Communications Act of 1995.

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